

William E. Hill, Norphlet.  
William E. Edwards, Rison.  
Warren P. Downing, Weiner.  
Wilber B. Huchel, Winthrop.

## FLORIDA

Alonzo A. McGonegal, Yalaha.

## IDAHO

Austin A. Lambert, Hailey.

## ILLINOIS

Fred W. Newman, Grand Ridge.  
Rose C. Auth, Rankin.  
John Van Antwerp, Sparland.

## MINNESOTA

Roy A. Smith, Beardsley.  
Olaf T. Mork, Madison.  
John A. Hilden, Oslo.  
Albert J. Anderson, Spicer.  
James M. Patterson, West Concord.

## NEW YORK

Ward A. Jones, Canajoharie.  
Glenn D. Clark, Prattsburg.

## NORTH CAROLINA

Christopher C. Snead, Laurel Hill.

## NORTH DAKOTA

Marie Siverts, Dodge.  
James H. McNicol, Grand Forks.  
Thomas G. Kellington, New Rockford.  
Gilbert A. Moe, Sheyenne.  
Agnes L. Peterson, Washburn.  
Andrew M. Hewson, Wimbledon.

## PENNSYLVANIA

Harry A. Miller, Rockwood.

## WASHINGTON

J. Kirk Carr, Sequim.

## WEST VIRGINIA

Michael H. Duncan, Crumpler.  
George H. Spencer, Rivesville.

## WISCONSIN

Fred D. Wood, Glenhaven.  
Elvin E. Strand, Strum.  
Herman C. Gralow, Woodville.

## WYOMING

Phyllis C. Dodds, Cumberland.  
Edna M. Booth, Sunrise.

## HOUSE OF REPRESENTATIVES

MONDAY, April 23, 1928

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, as we pause and meditate the seriousness and the joy of life are revealed. Oh, what is man in the presence of such infinite majesty? We thank Thee that he is soul-destined to live through the eternities, for surely the kingdom of God is within him. We praise Thee for the immortal symphonies which invite us on; for the springtime of hope, which blesses us with the reflection of the unknown world. O Thy love and mercy surround us as we face the nightless dawn! For the memories that make life sweet and for the gentle compulsion that lures us onward we bless Thee. Inspire us this day with a high sense of duty and with a very certain, directive wisdom. In all things help us to work worthily of our origin, calling, and destiny. In the blessed name of Jesus. Amen.

The Journal of the proceedings of Saturday, April 21, 1928, was read and approved.

## CALL OF THE HOUSE

Mr. LaGUARDIA. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

## [Roll No. 69]

Andrew	Deal	Kearns	Robison, Ky.
Anthony	Dempsey	Kelly	Rowbottom
Beck, Pa.	Douglas, Ariz.	Kendall	Rube
Beedy	Doutrich	Kent	Sears, Fla.
Beers	Drane	Kiess	Shreve
Begg	Drewry	Kunz	Sirovich
Bell	Englebright	Kurtz	Smith
Blanton	Estep	Larsen	Somers, N. Y.
Boies	Fisher	Leech	Sproul, Kans.
Bowles	Fitzgerald, Roy G.	McDuffie	Stobbs
Britten	Fitzpatrick	McFadden	Strong, Pa.
Burdick	Fort	Magrady	Strother
Bushong	Gambrill	Manlove	Sullivan
Butler	Glynn	Mead	Summers, Tex.
Campbell	Golder	Menges	Thompson
Carew	Goldsborough	Merritt	Thurston
Carley	Graham	Monast	Tillman
Casey	Griffin	Montague	Tinkham
Celler	Harrison	Moore, Ohio	Treadway
Chase	Haugen	Morgan	Uddike
Clarke	Hope	Morin	Vestal
Cochran, Pa.	Hudspeth	Newton	Watson
Connally, Tex.	Hughes	Norton, N. J.	Weller
Cooper, Ohio	Hull, Tenn.	O'Connor, N. Y.	Welsh, Pa.
Crail	James	Oldfield	White, Kans.
Cullen	Jenkins	Palmer	Wyant
Curry	Johnson, Okla.	Palmisano	Yates
Dallinger	Johnson, S. Dak.	Quayle, N. Y.	
Darrow	Kading	Ransley	
Davey	Kahn	Reed, N. Y.	

The SPEAKER. Three hundred and thirteen Members are present; a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

## SETTLEMENT OF AUSTRIAN INDEBTEDNESS

Mr. HAWLEY, chairman of the Committee on Ways and Means, by direction of that committee, presented a privileged report on House Joint Resolution 247, to authorize the Secretary of the Treasury to cooperate with the other relief creditor governments in making it possible for Austria to float a loan in order to obtain funds for the furtherance of its reconstruction program and to conclude an agreement for the settlement of the indebtedness of Austria to the United States, which was referred to the Committee of the Whole House on the state of the Union and ordered printed.

## ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 8835. An act to amend section 98 of the Judicial Code, as amended, to provide for terms of court at Bryson City, N. C.;

H. R. 10437. An act granting double pension in all cases to widows and dependents when an officer or enlisted man of the Navy dies from an injury in line of duty as the result of a submarine accident;

H. R. 11404. An act authorizing the Port Huron, Sarnia, Point Edward International Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.; and

H. R. 12441. An act to amend section 2 of an act entitled "An act in reference to writs of error," approved January 31, 1928, Public, No. 10, Seventieth Congress.

The SPEAKER also announced his signature to enrolled bills of the Senate of the following titles:

S. 1736. An act for the relief of Charles Caudwell;

S. 1738. An act for the validation of the acquisition of Canadian properties by the War Department, and for the relief of certain disbursing officers for payments made thereon;

S. 1758. An act for the relief of Fred A. Knauf; and

S. 1771. An act for the relief of Peter S. Kelly.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4166. An act to remit estate tax on the estate of John Sealy.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1181) entitled "An act authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled 'An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers,' as amended."

## ORDER OF BUSINESS

Mr. LAGUARDIA. Mr. Speaker, a parliamentary inquiry. The SPEAKER. The gentleman will state it.

Mr. LAGUARDIA. Mr. Speaker, this being the fourth Monday of the month, I desire to inquire whether, under section 876 of the rules of the House, the Committee on the District of Columbia is not entitled to the day as a matter of course?

The SPEAKER. The Chair thinks not. It is merely in order to call up District business.

Mr. LAGUARDIA. Of course, if the chairman of the Committee on the District of Columbia should call up any bills to-day, he is entitled to consideration of his bills, is he not?

The SPEAKER. He would have exactly the same right theoretically that the gentleman from Illinois would have if he desires to call up the flood control bill. It would be in the discretion of the Chair which he would recognize.

Mr. LAGUARDIA. I understand there are several bills pending before the Committee on the District of Columbia which have been reported, and I simply want to point out that the District Committee has its opportunity to-day so that later on they may be estopped from complaining that they have not had their day in court.

## FLOOD CONTROL

Mr. REID of Illinois. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, and for other purposes.

The question was taken; and on a division (demanded by Mr. MADDEN) there were—ayes 151, noes 40.

So the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3740, with Mr. LEHLBACH in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of S. 3740, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. FREAR. Mr. Chairman, I believe I am entitled to recognition.

The CHAIRMAN. The gentleman has 20 minutes remaining.

Mr. FREAR. Mr. Chairman, it has been suggested that I yield a part of my 20 minutes to the distinguished chairman of the Committee on Flood Control. I do not expect to occupy all of my time, but I ask unanimous consent that the gentleman from Illinois be given five minutes after I have concluded, he being entitled to that time by all the rules of the game.

The CHAIRMAN. Does the gentleman mean that he yields five minutes to the gentleman from Illinois out of his time?

Mr. FREAR. No; unless necessary. I ask unanimous consent that after the conclusion of my remarks five minutes be given to the chairman of the Flood Control Committee.

The CHAIRMAN. The gentleman from Wisconsin, under the unanimous-consent agreement made in the House itself, that general debate may be prolonged in committee, asks unanimous consent that the gentleman from Illinois [Mr. REID], chairman of the Committee on Flood Control, be given five minutes. Is there objection?

There was no objection.

Mr. FREAR. Mr. Chairman, I have never halted in a fight because of lack of support and will not do so now, but after allotting time on the request of several Members who did not later claim it, I pause to express regrets because of noticeable absence in debate of those who ordinarily carry the flag.

The President has made a great effort to protect the Government from this \$1,000,000,000 drive on the Treasury, made under a sympathetic plea of flood control. He ought to have the active support of every Member, including leaders and laymen, in his effort to secure a good bill. Support here, as well as elsewhere, is now important.

Committee members opposed to the bill appreciate that I have repeatedly urged others to take the leadership against it. My action is at their request and not from any desire of my own. Pursuant to their request, facts have been presented affecting the bill.

Chairman REID, who, like myself, appeared to be sidetracked during negotiations, now seems to have rounded up his battalion. I congratulate him, but trust he will not be permitted to enact the Senate bill into law unless that bill is materially amended by the House. If we desire to make flood relief certain, then a bill should be passed that merits Executive support and can be fairly defended.

Others of the committee who, like myself, have registered their disapproval of the bill are not responsible for this brief

expression, because all of them have been loyal in their support. When the record is made it is certain they will have nothing to regret. Later on I may desire to offer a few amendments which, if accepted, I believe will improve the bill.

Now, Mr. Chairman, I am briefly going to try to point out, as best I can, the distinction between the offer that was made in the negotiations and the Jones bill as it was reported to the House.

Before reading of the bill I will use my remaining time to repeat that the Jones Senate flood control bill before us is objectionable because it provides, first, for a political commission, that will ultimately be asked under another bill to take over local levee obligations. Second, it requires the Government to pay \$71,000,000 for damages to railways that ask to be protected from floods, in addition to other unlimited damages; and third, it requires the Government to buy everything, including land for levees for protection of life and property, without any local contribution.

Failure of negotiations in flood-control legislation now presents the Senate bill for amendment. This bill passed the Senate practically without any consideration. It appropriates \$325,000,000, or only about one-third of the amount required to construct flood-control works under its provisions.

## ACTUAL COST OF THE FLOOD CONTROL BILL

The Army Engineers' office estimates the cost at upward of \$1,000,000,000, of which possibly \$300,000,000 is for flood-way lands—all to be borne by the Federal Government under the terms of the bill. E. E. Blake furnished the President, the press, and Congress with an estimate of possibly \$1,800,000,000 cost for the project, of which one item consists of 6,047,000 acres for flood ways to cost \$674,000,000. For a number of years Blake has been chairman of a flood-control interstate commission composed of 27 members representing Alabama, Louisiana, Mississippi, Arkansas, Texas, Oklahoma, and other States (p. 335, hearings).

His estimate of flowage damage to be paid by the Government is over 100 per cent that of the Army engineers and the Mississippi River Commission estimate far exceeds amounts quoted on scattered tracts, placed in the record by the gentleman from Louisiana. Estimates of \$150 per acre and \$75 per acre by witnesses also indicate the character of demands to be made on the Government if it buys flood-way lands or easements. It should be kept in mind that 77 per cent of all lands in the proposed flood ways are owned by 1,000 corporations and large landowners named in the RECORD of April 4. If this evidence is trustworthy, no wilder assault on the Federal Treasury could be predicted. It is only paralleled in character by that feature of the Senate bill which gives to railways \$71,000,000 for future alleged damages.

In an effort to secure a compromise agreement, a proposal was submitted to the committee that eliminated some of the worst provisions of the Jones bill. That substitute bill it was believed would meet objections voiced repeatedly by the President in an effort to stop any proposed Treasury raid.

The bill so submitted proposed that the Government would undertake to construct flood-control works along the lines of the Jadwin plan, and that the Government would pay all damages that might accrue through floods under general liabilities fixed by the Constitution.

That means presumably where floods occur possibly on an average once in a decade, those having property largely of cut-over lands in the 4,000,000-acre flood ways will be paid whatever damages may properly be laid against the Government whenever caused by Government levees along such flood ways. It should be remembered these levees are also for the protection of 15,000,000 acres outside of flood ways.

Increased values to the protected land would reach many times the entire cost of the flood-control project to be of local or State benefit. It would mean increased business, increased taxes, and better living conditions generally, subject to any increased flood damage that might occur to the land temporarily covered by water in the flood way. That plan it was believed would meet the rising protest against any effort to secure 4,000,000 acres of land in the flood way at outside prices involving purchase or condemnation of 7,500 properties to be used only in heavy floods, all to be paid for by the General Government.

The Army engineers' flood-control plan in the Jones bill gives higher levees along the river, in addition to \$100,000,000 additional river-bank revetment, complete protection to Cairo by the New Madrid spillway, and the same to New Orleans by the Bonnet Carre spillway. In addition to other features the plan proposed to relieve superfloods along the river by means of the



Boeuf and Atchafalaya River bottoms, that for centuries have temporarily cared for the river overflow.

The Jones bill requires the Federal Government to buy or condemn this 4,000,000 acres of land in natural flood ways, now to be restricted by levees. These flood ways will relieve the main river in flood time and the flood-way levees will protect all lands behind the levees. As before stated, under the Jones bill to acquire the 4,000,000 acres of land or flood easements therein suits or purchases must occur between the Government and 7,500 owners, large and small.

The names of 1,000 corporations and large owners, including nonresident land and lumber companies, have been placed in the record. Less than 15 per cent of the 7,500 owners own 77 per cent, or over three-fourths, of the 4,000,000 acres, or about 1 owner to every square mile. Based on the Army engineers' estimates this land may cost \$300,000,000, and according to Engineer Blake's figures over \$600,000,000 for 6,000,000 acres, his estimate of flowage. That is the Jones bill provision now before us, which also carries \$71,000,000 in railway damages and unlimited damages against the Federal Government from sources aside from land and railways.

#### THE ADMINISTRATION FLOOD CONTROL PROPOSAL

The administration proposal submitted by the Attorney General provides that the Federal Government will build all levees along these two flood ways at Federal expense when rights of way are furnished locally. This condition is the same as with the Mississippi River levee rights of way. Parties in the 4,000,000-acre flood way who may receive special damages from floods will then have their rights of action under the Constitution.

Without legal hairsplitting it means that those now living in the flood way who have lived there in the past, and will continue to do so whether the Government buys the easement or not, will have added protection when the levees are built by moving back of the levees to protected ground until the water subsides. Their hazard if increased in cases will be compensated by damages where the Federal Government is responsible.

Neither plan of purchase or condemnation contemplates removing water from the flood ways, but on the contrary both the Jones bill and the administration proposal is to use these flood ways for safety of the whole valley whenever necessary to do so. Those living in the 6,000 square miles of flood way, about one to the mile, well know they are not protected any more than formerly excepting through lands behind adjacent levees.

All the tears and pleas for safety of the comparatively handful of people living on the cut-over lands in the flood way come from a mistaken understanding of what the flood ways are for or else are offered to confuse the situation. The Government is asked to save lives and property, and if in so doing it must use old flood ways now largely subject to overflow, then it is illogical and absurd to expect the same protection in the flood ways as out. But even so, there can be no difference in safety between an outright purchase of flowage rights or rights to condemnation suits for damages.

Whether the Federal Government buys the land or flood easements or the settlers and 7,500 owners of the 4,000,000 acres are left to their rights to damages, not 1 per cent will remove from the flood ways in either event, and it is immaterial to the remaining 99 per cent which course is taken, although the levees near at hand will give ample protection on protected lands after they are built.

Flood waters in the flood way may not come once in a decade, due to other protective works, and damages against the Government, if so, will not reach one-tenth of 1 per cent of money required to buy land under the Jones bill, land that the Government is to give back to the States for the second time—first under the swamp land act and now under the Jones bill.

#### A JUG-HANDLED COMPROMISE

Congress is informed through the press that Missouri will never permit local interests to pay for levee rights of way on flood ways, but will agree to a "Missouri compromise," wherein the Government will be permitted to buy such rights of way, buy flood-way lands, and build levees. Then under another \$1,000,000,000 flood bill now before the committee a political commission is to be asked to take over outstanding bonded indebtedness reaching many millions of dollars held by St. Louis banks. Frankly, that kind of compromise looks unjust for the remaining 47 States.

All should hesitate to invite a veto, not alone for our own legislative record based on the bill vetoed but for the danger of failure of flood-control legislation. I have no knowledge of the bill's future, but by a ringing veto declaring forcibly the facts in this case the President can tear aside all sentimentality that seeks to float a possible gigantic real-estate project under a

cloak of flood control. And in this connection let me say I absolve any Member of Congress from being behind such a project.

The country will support such a veto, and I firmly believe this House will do the same. I make no prediction of the Senate. Without consideration it passed this same bill beyond speed limit, with several presidential booms and other complications involved, so no man can tell what will happen there, but whatever the result let the responsibility for flood control rest with those who demand the bill with this 4,000,000-acre purchase of land without local contribution.

Everybody favors flood control and flood control without delay, but I have presented facts that deserve your careful consideration when amending the bill. [Applause.]

Mr. COX. Will the gentleman yield for a question?

Mr. FREAR. I yield to the gentleman from Georgia.

Mr. COX. The gentleman opposes the bill, for one among many reasons that it provides that the Government shall acquire rights of way. I would like to inquire of the gentleman if he favors the taking or damaging of private property for public use without compensation.

Mr. FREAR. Why, no; certainly not. I believe if this land is damaged beyond what it has been under the original overflowing of these flood ways, the Government should pay for that damage, but I would not pay \$75 an acre for the purchase of the land and then wait 10 years for an overflow, because under this substitute provision it will not cost 1 per cent for actual flood damages of what it will to buy the land outright.

Mr. JOHNSON of Texas. Will the gentleman yield for a question there?

Mr. FREAR. Certainly.

Mr. JOHNSON of Texas. Where does the gentleman get his figures that it is going to cost \$75 an acre?

Mr. FREAR. The \$75 value was given by the witness who appeared before the committee from the New Madrid district. The land in the New Madrid district is figured at \$150 an acre. Mr. Blake estimates flowage costs for 6,000,000 acres would be over \$600,000,000, as stated.

Mr. JOHNSON of Texas. But the land in Louisiana—

Mr. FREAR. Oh, I know the land in Louisiana is reported at \$5 to \$10 an acre, according to telegrams read here.

Mr. JOHNSON of Texas. According to the statement the gentleman made the other day, that is the land that was figured at \$75 an acre.

Mr. FREAR. Oh, no; I beg the gentleman's pardon. I did not wish to be so understood; not especially for Louisiana lands, but a maximum average for all lands needed for flood ways. Not in Louisiana alone.

Mr. JOHNSON of Texas. I so understood the gentleman.

Mr. ARENTZ. Will the gentleman yield?

Mr. FREAR. Yes.

Mr. ARENTZ. Has the gentleman from Wisconsin gone into the retroactive features of this bill with respect to damages occurring to land from the construction of a levee on one side or the other of the river, and providing that the Government in such cases shall pay damages?

Mr. FREAR. It is not quite that; but I will say to the gentleman that I am sure Chairman REID will agree with me that we have spent many days on that very proposition. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. The gentleman from Illinois [Mr. REID] is recognized for five minutes. [Applause.]

Mr. REID of Illinois. I want to clear up the situation a little before I start my statement. We have met the representatives of the President, and we have agreed on everything they asked, and I am going to present amendments embodying everything the President asked, with the single exception of agreeing to one thing—and I will never propose an amendment or support any section of this bill which will permit the turning down on innocent people in these so-called flood ways of a torrent three times that of Niagara Falls without first acquiring the rights of way or the flowage rights; and there I stand, and that is the only difference between us to-day. [Applause.]

The last speaker is in error. The Boeuf flood way at the present time is not a flood way. The Atchafalaya flood way is not a flood way. The Birds Point-New Madrid flood way is not a flood way at the present time.

These lands are protected, the same as the lands on the Mississippi River, by the levees on the Mississippi River; and unless the Mississippi levees break, you will have no floods in the Boeuf flood way; you will have no floods in the New Madrid flood way; but they are trying to give you the impression that we are trying to make the Government acquire land that is now a flood way. This is not true, and no one claims it is true. These lands are overflowed because of the breaks on the levees of the Mississippi River proper.

Under the plan now put before you there is a wide departure from the ordinary method of flood control, which was through levees only, and in that case the levees protected the adjacent land. These so-called spillways protect land in other States, perhaps a hundred miles away. Consequently there is no relation by which the people of the State should pay for it or should supply the rights of way. Would you want a ditch to run through your front yard to take care of somebody three or four blocks away? Do you think that would add anything to the value of your land? This is exactly the proposition here.

We are not trying to get the Government to acquire any flood ways that are flood ways now. It would be foolish for us to do so.

We are going to move to strike out the section with respect to the railroads, which is section 4. Everybody has agreed to this.

We have agreed to everything except a single point, and we will never permit this bill to be passed so you can turn down floods on these people and then say to them, "You can go to the courts, under the Constitution, and if you get any damages awarded, then come in and the Congress will consider them in the Committee on Claims."

I consider we have gone as far as we could go and I think any other settlement of the matter would be inhuman.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. REID of Illinois. Certainly; I will be pleased to yield to the gentleman.

Mr. MADDEN. Did the committee agree on the question of the buying of foundations for the dams around the flood ways and providing them without cost to the Government?

Mr. REID of Illinois. What committee?

Mr. MADDEN. And providing the rights of way?

Mr. REID of Illinois. Our committee yielded on the rights of way on the Mississippi River, but why should the people down in Louisiana or the people in Missouri supply rights of way that would damage their lands? They do not want them. The people of Missouri and the people of Louisiana are not asking for these spillways, but you are going to force the spillways on them by the overwhelming power of the Government. The people in Cairo and the people of Illinois are the ones to be protected. The people of Missouri will not and can not buy this land and give it to the Government for the reason that they can only collect money where the land is benefited by the improvement, and the people of Illinois can not go over there and condemn this land, because they have no such authority.

Mr. LA GUARDIA. Will the gentleman yield?

Mr. REID of Illinois. I will.

Mr. LA GUARDIA. What does the gentleman substitute for section 4?

Mr. REID of Illinois. That the Government shall be liable where it diverts the water from the main channel. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 30 seconds.

Mr. REID of Illinois. I yield the floor.

The CHAIRMAN. All the time has expired, and the Clerk will read.

The Clerk read as follows:

*Be it enacted, etc.,* That the project for the flood control of the Mississippi River in its alluvial valley and for its improvement from the Head of Passes to Cape Girardeau, Mo., in accordance with the engineering plan set forth and recommended in the report submitted by the Chief of Engineers to the Secretary of War dated December 1, 1927, and printed in House Document No. 90, Seventieth Congress, first session, is hereby adopted and authorized to be prosecuted under the direction of the Secretary of War and the supervision of the Chief of Engineers: *Provided*, That a board to consist of the Secretary of War, the Chief of Engineers, the president of the Mississippi River Commission, and two civil engineers to be appointed by the President, by and with the advice and consent of the Senate, whose compensation shall be fixed by the President and be paid out of the appropriations made to carry on this project, is hereby created; and such board is authorized and directed to consider the engineering differences between the adopted project and that recommended by the Mississippi River Commission in its special report dated November 28, 1927, and after such study and such further surveys as may be necessary, to determine the action to be taken upon the same, and its decision upon all matters considered by it shall be followed in carrying out the project herein adopted: *Provided further*, That if after considering any controverted problem between the Mississippi River Commission project and the project herein adopted the board shall be of the opinion that a new method should be followed, it shall submit its recommendation thereon to Congress: *Provided further*, That such surveys shall be made between Baton Rouge, La., and Cape Girardeau, Mo., as the board may deem necessary to enable it to ascertain and determine the best method of securing flood relief in addition to levees,

before any flood-control works other than levees and revetments are undertaken on that portion of the river: *Provided further*, That all diversion works and outlets constructed under the provisions of this act shall be built in a manner and of a character which will as fully and amply protect the adjacent lands as those protected by levees constructed on the main river: *Provided further*, That pending completion of any flood way, spillway, or diversion channel, the areas within the same shall be given the same degree of protection as is afforded by levees on the west side of the river contiguous to the levee at the head of said flood way. The sum of \$325,000,000 is hereby authorized to be appropriated for this purpose.

The Clerk read the following committee amendment:

Page 2, line 7, after the word "engineers," insert the words "chosen from civil life."

The CHAIRMAN. The question is on the committee amendment.

Mr. TILSON. Does the gentleman intend to offer a substitute for this section?

Mr. REID of Illinois. Mr. Chairman, for the information of the House I will send all of the proposed amendments to section 1 to the desk so that they may be read for information:

Page 2, line 5, strike out the words "the Secretary of War."

Page 2, line 6, strike out the word "two" and insert in lieu thereof the word "a."

Page 2, line 7, strike out the word "engineers" and insert in lieu thereof the word "engineer."

Page 2, line 13, strike out the word "that" and insert in lieu thereof the words "the plans."

Page 2, line 16, strike out beginning with the word "determine" through the word "such," in line 24, and insert in lieu thereof the following: "recommend to the President such action as it may deem necessary to be taken in respect of such engineering differences, and the decision of the President upon all recommendations or questions submitted to him by such board shall be followed in carrying out the project herein adopted. The board shall not have any power or authority in respect to such project except as hereinbefore provided. Such project and the changes therein, if any, shall be executed in accordance with the provisions of section 8 of this act. Such."

Page 3, line 5, strike out the word "further."

Page 3, line 8, strike out the first word "as."

Page 3, line 8, strike out the words "as those protected by levees constructed on the main river."

Page 3, line 14, after the word "way," change the period to a comma and insert the following: "but nothing herein shall prevent, postpone, delay, or in anywise interfere with the execution of the project on the east side of the river, including raising, strengthening, and enlarging the levees on the east side of the river."

Mr. MADDEN. Mr. Chairman, I would like to have the Clerk read the section as it would read when amended.

The CHAIRMAN. The entire section?

Mr. MADDEN. The entire section as it would read with the amendments adopted.

The CHAIRMAN. Without objection, the Clerk will read.

Mr. LA GUARDIA. While the Clerk is preparing the section, I ask to be recognized.

The CHAIRMAN. The Chair recognizes the gentleman from New York.

Mr. LA GUARDIA. Mr. Chairman, all the amendments offered by the gentleman from Illinois in all likelihood will not be opposed, but will be adopted by the committee. That indicates the desire on the part of a great majority of the Members of this House to bring about a bill which will afford adequate flood relief to be undertaken by the Federal Government. But when we come to the question which should have no direct bearing on the matter of flood relief, there we find a stubborn resistance. I refer to the sordid desire to dump millions of acres of land on the Federal Government at excessive and exorbitant prices.

Mr. REID of Illinois. Mr. Chairman, I object unless the gentleman confines his remarks to the amendment under consideration.

The CHAIRMAN. The gentleman from New York will proceed in order.

Mr. LA GUARDIA. The amendment under consideration.

Mr. RAMSEYER. Which is the amendment under consideration? Were not those amendments all read for the information of the committee? Were they not all offered as one amendment?

The CHAIRMAN. The amendment under consideration is the committee amendment reported in the bill.

Mr. HUDSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. If the gentleman from New York [Mr. LA GUARDIA] will yield for that purpose.



Mr. LA GUARDIA. Certainly not. I have only five minutes. The CHAIRMAN. The gentleman from New York may not be taken from the floor by a parliamentary inquiry.

Mr. LA GUARDIA. Mr. Chairman, I hope that the gentleman from Illinois [Mr. REID] will allow some latitude in discussing the merits of this bill. The amendment offered provides for the board of engineers to carry on this work. What I am seeking to do now in the beginning of the discussion is to emphasize the one point upon which there seems to be a difference of opinion. We are all agreed upon the matter of flood control, of controlling the waters, but we are not agreed upon the matter of purchasing the land, and it would seem that more interest is devoted to the acquisition of this land than there is to the control of the waters. I point out to the gentlemen representing States where land is to be taken that it is not your people, not the natives or residents who have lived down there for years and years, not the owners of the land who have held this land for years; they are not going to benefit, but the speculators who will come from my State and from the State of Illinois, who will go down there to reap the benefits of the scoop, if the present bill be enacted into law in its present form. At this very moment the confidence men of New York and the tin horns of Chicago are getting together to reap a haul if this bill is enacted in its present form. Anyone who has had any experience knows that when the law is so wide open the inevitable will happen.

Mr. DRIVER. Mr. Chairman, will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. DRIVER. According to the statement made by our colleague from Wisconsin [Mr. FREAR], these lands to be dealt with are now owned by Chicago and other interests. Does the gentleman think they are going to permit their lands to get out of their hands into the hands of speculators?

Mr. LA GUARDIA. They have already anticipated what would happen. Apparently, as the gentleman suggests, the evil has already happened. When the gentleman from Illinois [Mr. REID] points out that we should not permit land to be acquired without just compensation, he knows that neither the Federal Government nor a State government can take the property of any citizen without due compensation.

Mr. REID of Illinois. And the gentleman knows that property can be damaged by the Government without paying compensation.

Mr. LA GUARDIA. Oh, there is difference of opinion about that.

Mr. REID of Illinois. And that is what you intend to do here.

Mr. LA GUARDIA. There is no one who contends that property should be taken without compensation. There is no one who contends that property that is damaged by the work of the Government should not be paid for, but we do object to going in and paying an excessive, exorbitant price for 3,700,000 acres of land now already in the hands of speculators or soon to get into their control.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BANKHEAD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BANKHEAD. Are we now considering the amendments which have been read, as offered by the gentleman from Illinois, en bloc, or are we considering the first amendment proposed by him?

The CHAIRMAN. The amendment under consideration at the present time is the committee amendment reported in the bill in line 7 of page 2. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The question now recurs upon the first amendment offered by the gentleman from Illinois [Mr. REID], but pending that the Clerk will report the section as it would read with the various amendments offered by the gentleman from Illinois agreed to.

Mr. RAMSEYER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAMSEYER. So that there will be no misunderstanding, are the amendments which were sent up by the chairman of the Flood Control Committee all before the committee at this time, as one amendment, or were they intended to be offered separately, each to be taken up by itself?

The CHAIRMAN. Each amendment will be taken up and voted on separately, but they are all pending at the present time. They will be taken up in their order as they appear, modifying the section.

Mr. TILSON. Mr. Chairman, in view of the fact that all of these amendments taken together accomplish what is desired, I ask unanimous consent that they may be considered en bloc.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent that the amendments offered by the gentleman from Illinois, chairman of the committee, may be considered en bloc. Is there objection?

Mr. NELSON of Missouri. I object.

Mr. FREAR. The only object, it seems to me, is to have it read in the whole.

Mr. ASWELL. Regular order, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendments as they will read when agreed to.

The Clerk read as follows:

That the project for the flood control of the Mississippi River in its alluvial valley and for its improvement from the Head of Passes to Cape Girardeau, Mo., in accordance with the engineering plan set forth and recommended in the report submitted by the Chief of Engineers to the Secretary of War dated December 1, 1927, and printed in House Document No. 90, Seventieth Congress, first session, is hereby adopted and authorized to be prosecuted under the direction of the Secretary of War and the supervision of the Chief of Engineers: *Provided*, That a board to consist of the Chief of Engineers, the president of the Mississippi River Commission, and a civil engineer chosen from civil life to be appointed by the President by and with the advice and consent of the Senate, whose compensation shall be fixed by the President and be paid out of the appropriations made to carry on this project, is hereby created; and such board is authorized and directed to consider the engineering differences between the adopted project and the plans recommended by the Mississippi River Commission in its special report dated November 28, 1927, and after such study and such further surveys as may be necessary, to recommend to the President such action as it may deem necessary to be taken in respect of such engineering differences, and the decision of the President upon all recommendations or questions submitted to him by such board shall be followed in carrying out the project herein adopted. The board shall not have any power or authority in respect to such project except as herein before provided. Such project and the changes therein, if any, shall be executed in accordance with the provisions of section 8 of this act. Such surveys shall be made between Baton Rouge, La., and Cape Girardeau, Mo., as the board may deem necessary to enable it to ascertain and determine the best method of securing flood relief in addition to levees, before any flood-control work other than levees and revetments are undertaken on that portion of the river: *Provided*, That all diversion works and outlets constructed under the provisions of this act shall be built in a manner and of a character which will fully and amply protect the adjacent lands: *Provided further*, That pending completion of any flood way, spillway, or diversion channel, the areas within the same shall be given the same degree of protection as is afforded by levees on the west side of the river contiguous to the levee at the head of said flood way; but nothing herein shall prevent, postpone, delay, or in anywise interfere with the execution of the project on the east side of the river, including raising, strengthening, and enlarging the levees on the east side of the river. The sum of \$325,000,000 is hereby authorized to be appropriated for this purpose.

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that I may proceed out of order for 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The gentleman from Illinois is recognized for 15 minutes, to proceed out of order. [Applause.]

Mr. MADDEN. Mr. Chairman, to begin, I am thoroughly in favor of adequate flood-control legislation. I have devoted as much time to it, perhaps, as any other one man except those who may be living on those waters. I have endeavored in every way within my power to reach not only an amicable, but a just solution of all the problems affected, not only to the people who are afflicted by the disaster which befell them, but to the people of the whole United States.

The amendment offered by my colleague from Illinois [Mr. REID], the chairman of the Committee on Flood Control, is one in the preparation of which I have had a part. I am very happy to see that he and his committee have agreed to the adoption of this amendment, for I think it will have as much to do with insuring efficiency in the administration of the moneys that are to be appropriated as any other one thing that may be done could have.

This amendment provides, if I may be allowed to state it, that there shall be appointed to correlate—if I may put it that way—the problems submitted by the Mississippi River Commission and those submitted by the Army Engineer Corps. The purpose of the selection of the commission provided, consisting of three engineers, one the Chief of Engineers of the Army, one the chairman of the Mississippi River Commission, and the other a civilian engineer from civil life, is to have an agency through

which the story, if I may put it that way, of the various communities may be told, of their needs and their hopes and their fears. The obligation placed upon this commission is to take the recommendation of the Mississippi River Commission and the recommendation of the Chief of Engineers and consider these two together and to work out some plan which will embody a part of each. The commission, as I understand it, is to be given authority to order a resurvey of the river from Baton Rouge down to the Passes, so that in the construction problems affected by the report of the existing two agencies they will have all the facts before them that may be disclosed by these surveys. When they have completed the work of coordination between the two reports, the commission is to go out of existence. But before they go out they are to report to the President of the United States their conclusions, and upon his adoption of these conclusions the project becomes fact, and it will be upon the conclusions of this commission, with the approval of the President of the United States, that the project on which the physical work of flood control on the Mississippi River is to be conducted will proceed.

So far so good. Then we proceed, and if I may be allowed to state it in the way in which the chairman of the committee stated it, when the friends of the President or his agents or his representatives presented these cases for the consideration of the representatives of the people down in the Mississippi Valley and its tributaries, we offered to provide that when the people of New Orleans, who have paramount interest in the work of flood control, and particularly in the Bonnet Carre flood way and spillway, expressed a willingness to relieve the United States Government from damages, the United States itself, at the expense of the people of the United States, and without any expense whatever to the local people along this spillway, and were ready to relieve the United States Government from any damages during the period of construction of the Bonnet Carre spillway, the Government would proceed to build it.

The same thing is true in respect to the New Madrid spillway, except that the paramount interest there was said to lie in southern Illinois and southeastern Missouri. The Committee on Flood Control in its wisdom has decided not to accept that suggestion. The President insists upon the suggestion being legislated into law if it can be legislated into law. He says he has made every compromise which he could understand how he could afford honorably to make. He has surrendered, as I understand it, any demand for local cash contributions. [Applause.] But he insists that the people along the Mississippi River and along the flood ways shall supply at their expense the foundations for the levees which the Government of the United States is ready and willing to construct for the protection of the people along this territory. I understand they have refused as far as the foundations for the levees around the flood ways go. They are willing to accept the President's suggestion to supply the foundations for the dams along the main Mississippi River Channel, but in conversations with these gentlemen who live in these parts through which these flood ways are to be constructed, I am told by them that the total cost of the lands for the foundations of the flood ways—that is, for the foundations of the levees in the flood ways—will cost only \$1,000,000. Does anyone here pretend to say that the people of the Southern States through which this vast improvement is to be made at the expense of Illinois, New York, Pennsylvania, Massachusetts, Ohio, and all the other States of the Union, are not willing to raise \$1,000,000 in order to cooperate?

Mr. REID of Illinois. Will the gentleman yield?

Mr. MADDEN. I yield to my colleague.

Mr. REID of Illinois. Will the gentleman tell the committee how they can raise it according to law?

Mr. MADDEN. If I were down there and were one of the citizens of the Southern States, I would contribute my part.

Mr. REID of Illinois. The gentleman would take a tin cup and set the Red Cross at work?

Mr. MADDEN. I would go to the bankers of Louisiana, of Arkansas, and of Mississippi. They could well afford to make this contribution of \$1,000,000; aye, \$5,000,000, in order that they might be the beneficiaries of the richness that is to be created by the expenditure out of the Federal Treasury of the sum that is about to be expended.

I am astonished. But I am afraid it is worse than this. I am afraid there is politics in it somewhere, and I am told that men are running for the Senate on the basis of how much they can deliver to their States without charge. If that is true, it is not right. I am told that in Louisiana candidates are each vying with the other to see how much more they can get from the Government of the United States without contribution by their own people.

Mr. SANDLIN. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. SANDLIN. I would like to state to this House that the gentleman has been misinformed.

Mr. MADDEN. I have not been misinformed. There is politics in it and that has been established by these gentlemen themselves.

Mr. SANDLIN. Will the gentleman permit me to finish my statement?

Mr. MADDEN. Certainly.

Mr. SANDLIN. I will state that there is no senatorial campaign on in the State of Louisiana at this time, and, as a matter of fact, the gentleman, for whom I have great respect, has been entirely misinformed.

Mr. MADDEN. I will be glad to give the names of the people who told me.

Mr. SANDLIN. I would be glad if the gentleman would give them.

Mr. MADDEN. Mr. RILEY Wilson told me that there was politics in it.

Mr. WILSON of Louisiana. I beg the gentleman's pardon. I never made any statement of that kind.

Mr. MADDEN. I understood the gentleman to say that in the conference we had.

Mr. WILSON of Louisiana. I might have said there was some politics on that side, but not on my side.

Mr. MADDEN. I say that if there is politics in it, that is wrong, and politics ought not to be injected into it.

Mr. WILSON of Louisiana. There is no politics in it in Louisiana.

Mr. MADDEN. There may be politics in it on that side but none on this side.

Mr. WILSON of Louisiana. I do not claim there is any politics in it anywhere.

Mr. MADDEN. I know the gentleman does not claim it now, but I claim there is politics in it and I will be able to prove it if it is necessary.

Mr. BYRNS. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BYRNS. I understand the gentleman says that there is the sum of \$1,000,000 involved in this difference between the President and the committee?

Mr. MADDEN. That is as to the foundation for the levees.

Mr. BYRNS. So far as that particular difference is concerned, as the gentleman from Illinois [Mr. REID] has suggested, there is no way in which that money can be legally collected and the gentleman suggests it might be done through contributions. Does not the gentleman think that when you take into consideration the fact that \$1,000,000 is a mere bagatelle as compared to the total cost of this improvement that we ought not to risk the failure of the whole proposition upon the chance of collecting the money by contributions?

Mr. MADDEN. I do not think we should risk its failure on the raising of \$1,000,000, but I maintain this, that if the people of the South are so interested, as they ought to be, and we are interested with them and for them, that they ought not to stand on the question of their going and getting this \$1,000,000 and supplying the foundations for the levees around these flood ways.

For myself I am perfectly willing, although everybody on this side may not agree with me, that the Government should pay for the flowage rights in the flood ways. I am willing we should surrender the tax which might be presumed to be imposed in the cash contributions toward the cost of this great improvement, but I do believe, in all decency and in all good conscience, there ought not to be for a single instant any opposition to the purchase or the acquirement in any way that is necessary of the land around these flood ways upon which are to be built the levees to further protect the life and the property of the people down there. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. WILSON of Louisiana. Mr. Chairman, I ask recognition for five minutes.

Mr. Chairman and gentleman of the committee, I regret very much the statement of my distinguished friend from Illinois relative to any statement that may have been made in relation to politics in connection with this measure.

Of course, when statements went out from Washington and appeared in the public press that this legislation was an effort on the part of the people in the lower valley to unload lands and timber and all that sort of thing upon the United States through the efforts of big corporations, to the extent of about a billion dollars, and this statement was carried in newspapers throughout the country, I did say that that looked like politics



to me, but so far as implying any politics in Louisiana is concerned, no one has any such intention and any statement of that kind is unfounded and has no business here. Everybody here knows that in the press, through statements coming from Members of the House and through statements accredited to the executive departments, it was said that there was such an effort being made, just as you heard my friend the gentleman from Wisconsin [Mr. FREAR] say to-day that there was an effort on the part of the people to unload on the Government \$1,000,000 of lands in Louisiana, Arkansas, and Missouri.

Mr. FREAR. If the gentleman will pardon me, I never intended to make any such statement. The total cost will be about \$1,000,000,000, but that is the whole project.

Mr. WILSON of Louisiana. The gentleman ran his land calculations very close to that amount by taking 4,000,000 acres at \$75 an acre—

Mr. FREAR. Oh, no.

Mr. WILSON of Louisiana (continuing). When the statement had been presented here from people in Louisiana and elsewhere, including large corporations in New York and in Chicago, that the lands can be had at \$10 an acre.

Mr. MOORE of Virginia. Will the gentleman permit an interruption?

Mr. WILSON of Louisiana. Yes.

Mr. MOORE of Virginia. I live farther from the section in question than our very able and distinguished friend, the gentleman from Illinois [Mr. MADDEN]. I have been wondering how there could be any local politics involved or any southern politics in view of the fact that there is unanimity of sentiment in the Mississippi Valley. It would seem to me impossible that two candidates for the Senate could bring into their contest any question as to this matter.

Mr. WILSON of Louisiana. I do not think there could be, and there are no candidates for the Senate in Louisiana now, although there may be in Mississippi.

My friends, I want now to say a word relative to the proposition discussed by the gentleman from Wisconsin [Mr. FREAR]. There is not a single section where a flood way is proposed in Louisiana, Missouri, or Arkansas but what the people in that section are hoping and praying that when this new survey authorized in this section is made they will be given relief. I was very glad to hear the gentleman from Illinois [Mr. MADDEN] say that when that survey is made they will go down the valley and let the people of the towns and cities come before the board and be heard and present the question anew. I am glad that the gentleman has given the provision that construction. Of course, those of us who are acquainted with the conditions know this is true, and when they go there they will find there is not a man in one of these flood ways but is hoping and praying that some way will be found by which this project may be executed by the Government and the flood way avoided, or that the plans may be adjusted so that they can have equal protection throughout these flood ways. It is the hope that the protective amendments in this section will be effective, and that these flood ways, if it is found necessary to establish them, will afford the greatest degree of protection possible.

But the idea that anyone down there is seeking this opportunity to add a single dollar of additional cost to the Government by bringing these waters through there is unfounded and untrue, and when the board makes this survey, my friends, they will find that charge is not true.

They also make the statement that the proposed flood-way areas are natural flood ways and should have been open all the time.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. WILSON of Louisiana. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WILSON of Louisiana. If you understand the Mississippi River, you know that the whole alluvial valley is a natural flood way just as much at one place as another; that is, as the valley was built up deposits were made along the banks of the river gradually and the water went over all the way down, but, just because at some place like Cypress Creek in Arkansas it may have been left open there longer than at other places, or the fact that before it was closed 300,000 cubic feet of water went through there, does not justify the statement that this is a natural flood way whereby you can divert 700,000 to 900,000 cubic feet of water without any compensation for the damage it causes. So all that was asked was that if flood ways were found necessary in Missouri, Arkansas, or Louisiana that the property that was taken should be com-

pensated for. And I want to say here that whether it be the property of a railroad or of a farmer, if it is taken for this purpose, just and fair compensation ought to be made, because when these industries were built there they were established in good faith, and were established on account of protection assured by the Government.

So, my friends, I think it is unfortunate that anyone would attempt at this hour of distress to charge that these people are trying to unload practically a billion dollars of property on the Government and are trying to join with Wall Street and the people of Chicago in doing this, when these people are opposed to flood ways if they can be avoided. I think it is unfair to charge them with trying to scoop into the Treasury for the benefit of landowners in Louisiana and in the large cities.

The new surveys ordered in this session will be made by the board and will, I think, give some light on this question that is not even known to-day by the Chief of Engineers of the United States Army.

Mr. LA GUARDIA. Will the gentleman yield?

Mr. WILSON of Louisiana. I will.

Mr. LA GUARDIA. The gentleman has described the land in Louisiana, and it was always my impression that they were just as the gentleman is describing. What value would the gentleman put on those lands per acre?

Mr. WILSON of Louisiana. I put several telegrams in the Record the other day from large owners of land in which they put the value at \$5 to \$10 an acre.

Mr. LA GUARDIA. Does the gentleman know what the average assessed value of those lands is?

Mr. WILSON of Louisiana. I can not say, but a committee of engineers made an investigation and they estimated that the average value is about \$23 an acre.

Mr. COX. Will the gentleman yield?

Mr. WILSON of Louisiana. Yes.

Mr. COX. It should not escape attention that all the land the Government wants is along the flood way.

Mr. WILSON of Louisiana. Whatever is necessary to carry out the project.

Mr. COX. It is not contemplated that it shall take any lands except along the flood ways—that which is overflowed.

Mr. WILSON of Louisiana. The whole valley is subject to overflow.

Mr. SCHAFER. Will the gentleman yield?

Mr. WILSON of Louisiana. I will.

Mr. SCHAFER. The gentleman speaks of the telegrams he put in the Record that the owners would sell from \$5 to \$10 an acre. But they reserved the timber and mineral rights, did they not?

Mr. WILSON of Louisiana. Yes.

Mr. SCHAFER. The land has no value except in the timber and mineral rights?

Mr. WILSON of Louisiana. What the Government proposes to do is to acquire flood rights over the land, using the land for flood-control purposes. They do not want the timber or the mineral.

Mr. SCHAFER. No; but the value of the land is for timber and mineral rights?

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

Mr. WHITTINGTON. Mr. Chairman, I want to say a few words in reply to the gentleman from Illinois who has correctly stated that there is no objection on his part or on the part of those for whom he speaks to the adoption of these amendments now proposed by the chairman of our committee. I could have wished, in so far as I am concerned, that the request of the gentleman from Connecticut had been complied with and that we might treat the amendments en bloc, because I want to remind my friend from New York [Mr. LA GUARDIA] that these amendments have nothing to do with the diversion or flood ways.

Having made that statement I want to say a word about the matter of diversions and flood ways in further reply to the distinguished gentleman from Illinois. I know of no Member of the House who has worked more assiduously or more earnestly and honestly to arrive at a solution of this flood-control problem than the chairman of the Committee on Appropriations. [Applause.] I make the statement that his observations a few moments ago, if written into the pending bill, concede everything that the Flood Control Committee is asking, except the rights of way for levees along spillways, flood ways, and diversions. In other words, if we accept the statement of the chairman of the Committee on Appropriations, and if we can agree on the language to put into the bill whereby the Government will provide for flowage rights or easements

through diversions the only point of difference between the gentleman and our committee is the matter of acquiring the rights of way for levees along diversions and flood ways.

I want to say to the gentleman from Illinois—and mark my words—I speak only for the levee districts in the State of Mississippi, and I have not conferred with the citizens of these districts on the proposition, but speaking for myself I wish that the entire alluvial valley could raise the funds for payment of rights of way for levees along flood ways.

If there is any language that can be put into the bill whereby, as suggested by the distinguished gentleman from Tennessee [Mr. BYRNS], the States of the entire valley—mark my language—could under the laws of the States pay for the rights of way along diversions and flood ways in Louisiana, Arkansas, and Missouri, I would like to see it inserted. [Applause.]

Mr. Chairman and gentlemen of the committee, I would even go further than that; I would like to say to you again that as a matter of compromise we have endeavored to iron out the matters in this bill. If there is any method whereby the States of the entire lower valley may contribute the lands for levees along diversions or provide in the bill that if these rights of way are not so provided, the Government will have the right to provide them and the States to reimburse the Government, I personally would stand for it.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. Yes.

Mr. TILSON. Does the gentleman intend to offer an amendment that will change the bill to read that way?

Mr. WHITTINGTON. I would be glad to do it, if my conferees would agree to it.

Mr. TILSON. This is very important; it is near the crux of the matter.

Mr. WHITTINGTON. It is, absolutely. If the gentleman from Connecticut will propose an amendment that will be a declaration in this bill whereby the Government will provide for the flowage rights and easements through those diversions, I shall offer an amendment if one could be framed to be binding on the entire alluvial valley to provide the rights of way for levees for diversions.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WHITTINGTON. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COX. Mr. Chairman, the gentleman is not speaking now for the committee?

Mr. WHITTINGTON. I am speaking for myself.

Mr. TILSON. The gentleman has put up to me a suggestion about a proposed amendment.

Mr. WHITTINGTON. I have not completed my statement along that line. I say to the gentleman from Louisiana [Mr. WILSON], if he will give me his ear for a moment—we are not going to get excited about this matter—but I stand, if all the States can not or will not provide for rights of way for levees along diversions, for the Government to pay for the rights of way for levees on the diversions, the flood ways, and the spillways, and, mark my language, I shall stand here and oppose to the end any legislation that requires the State of Louisiana, the State of Arkansas, or the State of Missouri alone, to pay for the rights of way for the levees on the diversions and the flood ways through those States.

Mr. COX. Does the gentleman propose the creation of a superlevee district?

Mr. WHITTINGTON. I do not.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. Yes.

Mr. WILLIAMSON. Is it the intention that the Government shall acquire only the flowage rights and that the title to the land shall remain in private ownership?

Mr. WHITTINGTON. The Government may have the right to do either one of two things. It may acquire the flowage rights or acquire the land in the flood ways and diversions. That is left to the discretion of the Secretary of War, as to which the Government will do. Having said that I oppose the State of Louisiana or the State of Arkansas or the State of Missouri being required to provide for the rights of way for levees for the diversions and for the flood ways through those States, and having said that I shall continue to oppose that burden being borne by the States of Arkansas, Louisiana, and Missouri, unless some way can be arranged whereby all the States in the valley shall share in that expense. I call attention to this significant fact, and I invite the attention of the leaders on the Republican side to this statement: This bill provides for two projects: One the Mississippi River and the

other the Sacramento River. I remind you that under the Sacramento project, embraced in this legislation, the Government of the United States is proposing to pay in substance one-third of the cost of the project, including levees on the by-passes and the rights of way for these levees and the flowage rights in by-passes, and the expenses made necessary to the land-owners in those by-passes, including changes in railroads—and that is a term that has been hawked about here in this legislation—so that the concrete proposition that confronts us in the flood control of the Mississippi is whether or not the Government of the United States will provide the cost of the rights of way for levees along these diversions, if no plan can be worked out whereby the States in the lower valley can provide for them, or whether this legislation shall fail because you are not willing to provide for levees for diversions estimated to cost \$1,000,000. In addition, the Sacramento River is an intra-state stream.

In this particular case these diversions along the Mississippi River are not being made for the benefit of the State of Louisiana, the State of Arkansas, or the State of Missouri, and I put this question to you: If the Government is to pay substantially one-third the cost of the project including rights of way for levees for diversions on the Sacramento River in one State, is it not fair and just for the Government to pay all costs for the rights-of-way levees for diversions and the damages to be done in the States of Louisiana, Arkansas, and Missouri, for the benefit of 31 States of the Union?

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. Yes.

Mr. SNELL. Is not the gentleman mixing up these two propositions? Does the gentleman take the position that we are paying more in the Sacramento Valley than we are willing to pay on the Mississippi proposition?

Mr. WHITTINGTON. I repeat my statement.

Mr. SNELL. The gentleman need not repeat his statement.

Mr. WHITTINGTON. Then I ask the gentleman to repeat his question.

Mr. SNELL. Does the gentleman maintain that we are paying more in the Sacramento Valley than we are willing to pay under our provisions at the present time for the Mississippi flood control?

Mr. WHITTINGTON. If you insist upon the local interests providing for the rights of way for levees on the flood ways and diversions through the States of Missouri, Arkansas, and Louisiana, then you are asking them to provide those rights of way entirely, while under the Sacramento project the Government is contributing one-third of the cost.

Mr. SNELL. I appreciate that, but under the Sacramento project they pay two-thirds of the entire cost.

Mr. WHITTINGTON. Undoubtedly.

Mr. SNELL. And we would be willing to agree with you to-day on any proposition that you can bring in, and pay one-third of that cost. We will even go further than that. We will pay two-thirds of the entire cost. The gentleman makes the statement here that the Government is not willing to do as much by you as we were doing by the Sacramento Valley.

Mr. WHITTINGTON. Instead of leaving that impression, I want to say, as I said in the beginning, you have gone to the extreme limit except as to diversions, but when you come down to the question of a million dollars for rights of way for levees along diversions you should go farther.

Mr. FREAR. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. Yes.

Mr. FREAR. Can you in your report find anywhere that the Government is paying any proportion of the levee expenses of the rights of way or anything else on the Sacramento River except that it contributes one-third? As it is there, it can be applied in any way you choose.

Mr. TILSON. Mr. Chairman, and to be fair about the Sacramento proposition, it should be said that that includes navigation, and that is a very large element, from the head of the Sacramento River down to the ocean.

Mr. WHITTINGTON. I want to say concerning the interests included here, of the appropriation that we ask for \$325,000,000 in the pending bill, from \$110,000,000 to \$150,000,000 goes to navigation. That answers the gentleman from Wisconsin. The proposition does provide that the entire cost of the Sacramento is \$51,000,000, of which the United States pays one-third; and I am for it, including rights of way and diversions.

Mr. FREAR. These things are mentioned, of course, in the report?

Mr. WHITTINGTON. Yes; and having made that statement, Mr. Chairman, I want to say—

Mr. WILLIAM E. HULL. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. Yes.



Mr. WILLIAM E. HULL. I want to straighten up some matters that are in my mind. Do I understand you to say that the South would be willing to raise the money to pay for the foundation of the levees along the diversions, provided that it is a million dollars, with the understanding that the Government assumes the flowage rights?

Mr. WHITTINGTON. Yes. As I said, I am speaking for myself, and if there is any way to embrace in this legislation a change in the law respecting the alluvial valley of the Mississippi—and I speak for myself alone—if we can do that, I will stand for it; and I may add, Mr. Chairman, that until somebody can suggest language whereby that will be done and can be done, I am for the bill as we agreed to report it here.

Mr. FULBRIGHT. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. Yes.

Mr. FULBRIGHT. Is the gentleman aware of the fact that the flood way in southeast Missouri is for the section at Cairo, Ill.?

Mr. WHITTINGTON. Yes.

Mr. FULBRIGHT. Does the gentleman say that it is a proper thing for Missouri to pay for the flood way?

Mr. WHITTINGTON. Missouri ought not to pay one cent for it. I am opposed to Missouri paying one cent for it, or for Louisiana or Arkansas paying a cent for the flood way. I think it ought to be done at the expense of the Federal Government.

The gentleman is aware that this matter can not be adjusted without the Federal Government. But if the cost of flood control is assumed by the Government, except the estimated costs of \$1,000,000 for rights of way for levees on diversions and flood ways, I would personally like to see all the interests in the alluvial valley agree to assume the amount if the success or failure of this bill depends upon such a provision. At the same time the bill should provide that the Government will pay for and acquire the flowage rights through the diversions and flood ways.

The CHAIRMAN. The time of the gentleman from Mississippi has expired. The question is on agreeing to the first amendment offered by the gentleman from Illinois [Mr. REID], which the Clerk will report.

The Clerk read as follows:

Page 2, line 5, strike out the words "Secretary of War."

Page 2, line 6, strike out the word "two" and insert in lieu thereof the word "a."

Page 2, line 7, strike out the word "engineers" and insert in lieu thereof the word "engineer."

Mr. CRAMTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CRAMTON. It was my understanding that an agreement was reached whereby these amendments should be voted on en bloc.

The CHAIRMAN. No. It was objected to. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the second amendment.

The Clerk read as follows:

Page 2, line 13, strike out the word "that" and in lieu thereof insert the words "the plans."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the third amendment.

The Clerk read as follows:

Page 2, line 16, strike out, beginning with the word "determine" to the word "such" in line 24, and insert in lieu thereof the following: "Recommend to the President such action as may be deemed necessary to be taken in respect to such engineering differences, and the decision of the President upon all recommendations or questions submitted to him by such board shall be followed in carrying out the project herein adopted. The board shall not have any power or authority in respect of such project except as hereinbefore provided. Such project and the changes therein, if any, shall be executed in accordance with the provisions of section 8 of this act. Such."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the fourth amendment.

The Clerk read as follows:

Page 3, line 5, strike out the word "further."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the fifth amendment. The Clerk read as follows:

Page 3, line 8, strike out the first word "as."

Page 3, line 8, strike out the words "as those protected by levees constructed on the main river."

Mr. MacGREGOR. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from New York rise?

Mr. MacGREGOR. Is this the proper place to move to strike out the last word?

The CHAIRMAN. Debate has been closed and the committee is voting on a series of amendments.

Mr. MacGREGOR. I understood that these amendments were to be taken up ad seriatum, and that there was no closing of debate. I simply want to ask the chairman of the committee a question.

Mr. WINGO. Mr. Chairman, I ask unanimous consent that the gentleman may have the privilege of asking the chairman of the committee a question.

The CHAIRMAN. The Chair will recognize the gentleman.

Mr. MacGREGOR. I would like to understand the import of this change. It is provided in the first instance:

That all diversion works and outlets constructed under the provisions of this act shall be built in a manner and of a character which will as fully and amply protect the adjacent lands as those protected by levees constructed on the main river.

Mr. REID of Illinois. The idea is that they do not want to have to build the same standard levees on the spillways as are now on the main river. It is a different construction and for a different purpose.

Mr. MacGREGOR. Does not the proposed language—I do not know whether I am right or wrong—make the Government at least morally liable in the future for all damages occasioned by any floods which take away these levees.

Mr. REID of Illinois. I would be glad to write that in if we could, but nobody has ever suggested that to-day.

Mr. MacGREGOR. You now have the language reading:

That all diversion waters and outlets constructed under the provisions of this act shall be built in a manner and of a character which will fully and amply protect the adjacent lands.

Mr. REID of Illinois. While they are building the spillways. I would be glad to write into the Record what the gentleman says.

Mr. MacGREGOR. I certainly would not be favorable to that idea.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the sixth amendment.

The Clerk read as follows:

Page 3, line 14, after the word "way," change the period to a comma and insert the following: "but nothing herein shall prevent, postpone, delay, or in anywise interfere with the execution of the project on the east side of the river, including raising, strengthening, and enlarging the levees on the east side of the river."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SHALLENBERGER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SHALLENBERGER: On page 3, line 14, after the committee amendment and before the word "the," insert the following: "Provided further, That whenever the President shall ascertain from the Secretary of War or other agency that floods on the lower Mississippi can be controlled and prevented by construction of reservoirs for the impounding of waters in the Mississippi River and its tributaries, the construction of such reservoirs is hereby authorized, under the direction and supervision of the Secretary of War and the Chief of Engineers, and the appropriations authorized by this act are hereby made available for such reservoir construction."

Mr. SHALLENBERGER. Mr. Chairman and gentlemen, I do not intend to take the time of the committee but for a moment in order to express my reason for offering this amendment and why I think it important to a proper solution of this great question that it should be adopted. I think it is very clear to those who have studied the reports of the engineers who have been dealing with this matter that the final solution and permanent settlement of the prevention of floods in the Mississippi Valley depends upon the construction of reservoirs and the

impounding of the water in the tributaries and on the upper sources of the stream. Now, the debate we had between members of the Flood Control Committee just a moment ago proved very conclusively to me that the big problem we are now dealing with is the cost of the construction of the spillways and flood ways provided in the bill. I am going to make the statement that the control of floods in the Mississippi Valley, if the plan proposed in the bill is adopted, will not be brought about by the building of levees and walls of earth, but by the building of spillways and flood ways. Unless you store the waters of the tributaries in the upper sources of the river the great expenditure of money is going to be for the building of spillways and flood ways in order to carry off the floods you can not control. If we build reservoirs, we make use of the waters which otherwise run to waste and destruction in the lower valley.

By this amendment, which I have offered, we do not bind the President nor those in control of the operations to any particular plan, but we do include in the plan we are authorizing now a definite declaration that we authorize the expenditure of the money appropriated for any plan which the engineers deem best. I believe it will sooner or later be that of reservoir control.

Mr. REID of Illinois. Will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. REID of Illinois. I was wondering whether the gentleman will not wait and offer his amendment when we get to section 10 where we have a reservoir amendment. It is prepared and will be offered when we reach that section.

Mr. SHALLENBERGER. I believe I prefer to offer it here. Other amendments will be offered at that place, and I thought this was probably the proper place to offer my amendment.

If my amendment is voted down, other amendments may be adopted; but I will say to the chairman, that the people of the upper portions of the river are vitally interested in this matter. Those of us who live in the great northwest region of the Nation, who will have to in part pay for flood control, are also interested. This morning, to show you the intense interest taken in this problem out in the great Northwest, I found on my desk a clipping from a daily paper from the State of Nebraska, from our capital city of Lincoln, and after analyzing fully the importance of this problem and declaring it is a national problem, they wound up with this language. I quote from an editorial in the Lincoln, Nebr., Daily Star:

Sooner or later the question of constructing dams and reservoirs all over the central western region, to hold back the water which converges in the Mississippi, will have to be taken up and dealt with. Nebraska and her neighboring States are greatly interested in that phase of the problem, which contemplates the use of such diverted waters for irrigation and power purposes. The Federal Government will be expected to aid in constructing the water-storage system, but the States will no doubt be willing to do their part.

So we on the tributaries are ready to do our part in providing sites and paying our share to carry out the storage-reservoir principle.

Mr. McKEOWN. Will the gentleman yield?

Mr. SHALLENBERGER. I yield to the gentleman.

Mr. McKEOWN. If the President should find that the reservoir system is effective, then the Government of the United States would not have to pay all of the cost of the reservoirs because there would be contributions.

Mr. SHALLENBERGER. There would be contributions and, furthermore, we would not have to spend such enormous amounts for spillways. If we stored but one-half of the water on the watershed, then the great problem of spillways would be partly met, the cost of the land that you are going to overflow and the matter of damages under the plan we have here, would be greatly reduced.

I offer you in the valley a plan of salvation and I am giving you a chance to accept it now. [Applause.]

Mr. SIMMONS. Mr. Chairman and gentlemen, I have not taken any part in this debate up to this point, preferring to listen in order that I might find out some things that many of us western men do not know about the South. My colleague from Nebraska, Mr. SHALLENBERGER, has presented to you what a great many people in the United States deem to be a rational, sensible solution of this flood-control matter; and that is, to change the flood waters of the Mississippi Valley from a national liability into a national asset, changing them from a damaging and destroying power to a power for the production of great national wealth through irrigation and the creation of water power and furnishing of water for navigation by the construction of storage reservoirs.

I live in the heart of a great reclamation project that the Congress of the United States authorized and the Government built from the reclamation fund. As a boy I have seen the

river that goes by my home town early in the spring out of its banks, sweeping over our bridges, destroying the approaches spring after spring. Now, since this and other projects have been in operation there is the least amount of water in the North Platte River passing through Wyoming and Nebraska in the flood period of any period of the year. The flood waters are held in storage. The greatest amount of water coming down that river is in July and August. What has happened? There has been built up in Wyoming beyond the city of Casper a great reservoir, the Pathfinder. Supplemental reservoirs are being built. These dams can be regulated and the quantity of water held so that they take the flood water year after year and fill this reservoir with it. Then what happens? Throughout all of the summer months that stored water is being spread over 500,000 acres of fertile land. Not only the water that is used for the plant in its life is stored and taken out of the river but that 500,000 acres of irrigated land is itself a great reservoir, storing the water in the soil. That water comes back in the fall months into the river and goes on down the stream, contributing to a regular orderly flow throughout the year.

We western folk believe that by putting this tributary control into the flood-control scheme, and as a part of it the proposition of building reservoirs, of developing lands for irrigation, of developing hydroelectric power for industrial uses, of regulating the flow of water for navigation, is at least a sensible solution in part of this flood problem. If you adopt the amendment that the gentleman from Nebraska [Mr. SHALLENBERGER] offers, it indicates that the Congress is willing to at least try out this plan of control, and it will be an indication, too, to us in that section of the country that you believe in developing our section of the United States as well as protecting your own.

My folk are paying dollar for dollar back into the Federal Treasury; every cent the Government of the United States has spent on this project, and we are controlling your floods in part as we are doing it.

You are asking that you pay not a cent of the cost of your development. Give us, in this amendment, recognition of the thing that we in the tributary States are asking for, and that is a control, in part, of these things, by storage reservoirs furnishing power and water for development. You will change these waters from a thing you people do not want, a damage-doing agency, to a wealth-creating force, and you will be doing the thing that all of us want, and that is making the Missouri and the Mississippi—

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. SIMMONS. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. SIMMONS. You will be contributing materially, likewise, to making the Missouri and the Mississippi navigable streams 12 months in the year, and that is something likewise that we of the Mississippi Valley all want.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. SIMMONS. I yield to my colleague.

Mr. SHALLENBERGER. Will the gentleman also call the attention of the committee to the fact that my amendment is very general in its terms and leaves the final determination of the whole problem to the President and his advisers with respect to the use of this money.

Mr. SIMMONS. Yes; and it does recognize the principle and authorizes the expenditure of the money under such circumstances. The plan is sensible, it is feasible, and it will not cost more than the present plan. It will make these waters develop and not destroy a great section of the United States. [Applause.]

Mr. HOWARD of Nebraska. Mr. Chairman, I rise in support of the amendment. I want in a few words to bring to the attention of the members of this committee who do not live in our great prairie realm the absolute and unquestioned importance and necessity for legislation, which I hope will grow out of the amendment, if adopted, offered by my colleague from Nebraska [Mr. SHALLENBERGER].

Men of the House, let me tell you our story so that you may understand it. We in Nebraska live in a prairie zone. There is no timber in Nebraska, save that which has been planted by the hand of man. There is no coal, there is no mineral of any kind. But out there most of us are Christians, and we are believers in the goodness of God Almighty. He did not give us any coal under the prairies of Nebraska, but He gave us a splendid substitute in the form of two of the most regularly



flowing rivers in all the world that have ever been gauged by any reliable government.

Now, if we could harness the waters of these rivers and set them to the task of generating electric energy and supplying it to the people at a low price, what would it mean to us?

Oh, my friends, those of you who have never lived in a prairie realm, you do not know what it is to be in the clutches of Coal Trust as we do. Suppose that we could get the waters of the rivers harnessed, after having them carried to reservoirs, to be used a part of the time for irrigation and a part of the time for generating electricity. What would it mean to us?

Why, my friends, it would mean the absolute relief of Nebraska from the clutches of Coal Trust, because if we could do this we never would want to buy coal in Nebraska, even if we could get it for a dollar a ton. Why? Because if we could harness these waters and have them generate electrical energy it would be sufficient to heat and light every public and private building in all that prairie realm, turn the wheels of all machinery, and still have enough left to cook all the food for all the people.

Why is it, my friends, that that vast natural asset of ours is not employed and used for the benefit of the people? I do not know. Some say that the reason we are not able to harness the waters in these wonderful rivers in Nebraska is because of the power and machinations of that mysterious thing we call Power Trust. It may be true, I do not know, but, my friends of the House, those of you who know nothing about the situation of our people out in the prairie zone, will you not believe those of us who come from the prairies when we tell you that our fond hope for the harnessing of the rivers can now be best put in the way of ultimate consummation by the adoption of the amendment offered by my friend from Nebraska, Mr. SHALLENBERGER. [Applause.]

Mr. LAGUARDIA. Mr. Chairman, I hope the committee will not treat this amendment lightly, but will give it very serious consideration. The amendment offered by the gentleman from Nebraska [Mr. SHALLENBERGER] brings before the House two distinct schools of thought in the matter of flood control. The one contained in the bill, I might say, is to regulate the defects from nature, while the one suggested in the amendment offered by the gentleman from Nebraska corrects the defects of nature. By the methods in the bill we simply build levees, provide flood ways and spillways, and wait until the flood comes and then permit this flood of water with terrific power to inundate and flood millions of acres of land and cause immense damage. Besides there is always the constant fear of flood in these flood-way areas.

Now, by the amendment offered by the gentleman from Nebraska, instead of waiting for the flood to come and destroy the lives and properties, we collect these waters, harness this power in a series of reservoirs upstream and along the tributaries, so that they may be released in uniform quantity during all seasons, and not only prevent a flood but utilize this tremendous water power for useful purposes, so that instead of being a curse to the Mississippi Valley we can make it a blessing to the people of the valley.

Now, gentlemen, it can not be urged by the committee that they, the committee, are not sympathetic to the method suggested by the gentleman from Nebraska, because in section 12 of the bill now before us they provide for a survey to do the very same thing which the gentleman from Nebraska suggests should be done. In other words, the reservoir plan and the utilization of the water power of the main stream and tributaries is recognized in theory by the committee in section 12, while the amendment offered by the gentleman from Nebraska [Mr. SHALLENBERGER] puts that theory into practice.

In other words, the Committee on Flood Control preaches this system, while the amendment of the gentleman from Nebraska [Mr. SHALLENBERGER] puts into action that which the committee and the bill preaches.

Mr. MADDEN. Would the gentleman from New York do this before he found out how many billions it is going to cost?

Mr. LAGUARDIA. No matter what it costs, instead of purchasing these millions of acres, instead of this water going to waste, you can utilize this water, and if we do not do it to-day and Congress does not do it next year the time will come when our successors will take this matter up and deal with it in the very way suggested by the amendment of the gentleman from Nebraska and wonder why we to-day lacked the vision and foresight in the light of past experience and the advanced stage of engineering of our time.

Mr. WILLIAM E. HULL. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. WILLIAM E. HULL. In this last flood does the gentleman think that these reservoirs would have done any good?

Mr. LAGUARDIA. Oh, all of the water would not be in one reservoir. All of the water of the flood did not come from one tributary. It came from various tributaries.

Mr. RAGON. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. RAGON. If these reservoirs in Oklahoma are as feasible as the good engineers have said they are, you would not have had any flood on the Mississippi if the reservoirs had been there, because water of sufficient quantity fell in that region to make a volume of over 740,000 cubic feet in a hundred miles.

Mr. LAGUARDIA. Exactly. We all know that the water does not come from one source or from one tributary. One tributary may be flooded and not cause a flood in the lower Mississippi. A major flood only happens when conditions are such that there is an undue and abnormally large amount of rainfall in all the sections during the same season, so that all of the tributaries are flooded, which naturally sends down such an abnormal flow as to overflow the lower bed of the main stream.

Mr. RAGON. And I call further attention to this, that even the Army engineers who made this survey, about whom there is some question in respect to their bias or prejudice, have said that you may amply control the Arkansas and the White Rivers and that their waters could have been controlled in the last flood by reservoirs. If you had done that, you would have taken out of the volume of 2,000,000 cubic feet per second on the Mississippi at Natchez 1,200,000 cubic feet contributed by those two rivers.

Mr. LAGUARDIA. Certainly. The committee recognizes the fact, because they have included the idea of a survey in section 12 of the bill. Instead of having a survey on something so elementary, in the name of common sense, you friends of flood control, come to the rescue now and give us a chance to do something constructive, something that is in keeping with the age in which we are living, and provide a scientific method to control this great problem. I hope gentlemen will give this amendment serious consideration and put it in the bill where it belongs.

Mr. McKEOWN. Mr. Chairman, I ask to have read in my time the following discussion of this matter by the Manufacturers' Record, of Baltimore, Md.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

MANUFACTURERS' RECORD,  
Baltimore, Md., April 19, 1928.

DEAR SIR: The leading editorial in this week's issue of the Manufacturers' Record, copy of which is inclosed, contains a suggestion of what we believe to be the logical and only feasible solution of the jam into which flood control has been thrown.

General Jadwin has admitted that the plan worked out by the Interstate Commission for control of the Arkansas and Red Rivers is accurate in cost estimates, and that it will prevent floods in those rivers exactly as its proponents say it will. Further, he admits that it will take from 3 to 4 feet off the crest of floods in the Mississippi River below the mouth of the Arkansas. The States of the interstate compact—that is, the States drained by those two rivers—stand ready to contribute 40 or 50 per cent of the cost of the project, leaving about \$60,000,000 for the Federal Government to pay.

It seems safe to say that two other large tributaries of the Mississippi—the Ohio and the Missouri—can be proportionately controlled by reservoirs on their many subtributaries. Could this be done—and General Jadwin has admitted that it is possible—the degree of control of the Mississippi resulting from control of these three rivers alone would be:

Below the Missouri (3 to 5 feet), 3 to 5 feet.

Below the Ohio (6 to 8 feet), 9 to 13 feet.

Below the Arkansas (3 to 4 feet), 12 to 17 feet.

General Jadwin has admitted that this much reduction, could it have been secured, would have prevented all danger of damage from the 1927 flood; and he has further admitted that it could be had, though he said the cost would be upward of a billion dollars. But this plan would cost no more than the plan submitted by General Jadwin, now admitted to require an expenditure of somewhere in the neighborhood of \$1,500,000,000; it would protect thousands of miles of tributaries, as well as the lower valley, thus eliminating further costly works there; and it would command millions of dollars of local support, leaving only a reasonable portion for the Federal Government to pay.

Why can not the leaders of the Mississippi Valley, the Arkansas and Red River Valleys, the Missouri Valley, the Ohio Valley, and of the other tributaries that desire protection from their local floods, get together and determine to carry this plan through? We believe it could be done.

Very truly yours,

MANUFACTURERS' RECORD.

Mr. McKEOWN. Mr. Chairman, the purpose of this legislation is this: If the President of the United States shall find by investigation of his agents and engineers that flood control can be accomplished along the tributaries and the waters that enter the tributaries, and if he further finds that it could be done economically and the money expended be reimbursable to the Government, then it would not be necessary to expend our millions and millions of dollars on the works in the lower Mississippi. Does it not stand to reason that there ought to be two plans before we spend all of our money on the lower reaches of the Mississippi? There is not a single State in the whole 31 along the tributaries that would not make the money in a large measure reimbursable, and the commission would find that it is in a great extent reimbursable. So is it not common sense to give the President two propositions, so that he can use his judgment and save money as well as accomplish the result of flood control? I favor the adoption of this amendment.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. SNELL. Mr. Chairman, I am not opposing this amendment at this time because of the fact that I am opposed to the reservoir scheme of controlling the flood waters on these large rivers. As a matter of fact, I made an extended speech upon that proposition some time ago. I am opposing the proposition at this time because we should not adopt such a scheme without knowing something about it. This is a tremendous proposition, which might go into one or two billions of dollars, and we are asked here to adopt it as a simple amendment, when it means more in fact than all the rest of the bill. It might take all of the money that we are appropriating at this time to make the surveys and lay out these propositions; it might all be expended on the reservoir schemes and not anything on the lower Mississippi Valley, to protect which is the main object of the bill, if it is to be taken out of the funds appropriated at this time. Later on in the bill there is provision for complete surveys to investigate the whole reservoir proposition. I want that to be done, but certainly it would be death to this bill to adopt this amendment at this time and say that without coming back to Congress, without a completed plan, without any definite knowledge of any kind, yet we will authorize these most extensive construction of reservoirs.

Mr. McKEOWN. This provides that the President should do this if he shall find it feasible. It is not positive.

Mr. SNELL. These reservoir projects are definitely authorized by that amendment and, if adopted, we lose control, except such as comes through the Appropriations Committee.

Mr. SHALLENBERGER. If the gentleman will permit me, the amendment simply provides that if the President shall ascertain, from the Secretary of War or any other agency, that the floods on the lower Mississippi can be controlled by these reservoirs, then he will be authorized to build these reservoirs.

Mr. SNELL. Yes; and there is no doubt in my mind that if you spend money enough, of course, you could control the floods in that way; but the amount of money might be so much that it would be out of the question.

Mr. SHALLENBERGER. The President is allowed, under the amendment offered by the committee, to use his judgment as to where every dollar shall be expended under the present plan, and I simply add to it that if in his judgment he wishes to use the money elsewhere he can do so if the judgment of the engineers and his agency is that that is the way to use the money.

Mr. SNELL. It is provided that if they could be controlled in that way they are authorized to do so, but the Lord only knows how much money it would take. We certainly ought to know how much it will be before we adopt such a comprehensive plan.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. SNELL. Yes.

Mr. WHITTINGTON. I want to ask the gentleman from New York if under the provisions of the amendment proposed here we will not do two things: First, if it will not prevent investigation and surveys of reservoirs, just the same as the amendment which provides that it shall report to Congress?

Mr. SNELL. It supersedes that.

Mr. WHITTINGTON. This provides that the President or the Secretary of War after investigation shall report on the floods of the lower Mississippi Valley. Such a report has already been made. I read from substance of the report of the Secretary of War on that point furnished to the President:

The reservoir board reports that reservoirs are not economically justifiable in connection with a comprehensive plan for flood control in the Mississippi Valley at the present time. Reservoirs that would give a dependable reduction of flood height of 5.7 feet at Cairo, 6.9 at the

mouth of the Arkansas, and 5.4 at the mouth of the Red River are estimated to cost \$1,296,000,000. Equivalent protection can be given by levees for \$250,000,000. The best reservoir project found, in addition to the reservoirs at the mouths of tributaries, for the flood control in the lower valley is a system of 11 reservoirs on the Arkansas and White Rivers, at an estimated cost of \$242,000,000, and these reservoirs would have reduced the floods at Arkansas City by about 8 feet. The probability is that even these reservoirs would require the destruction of fertile lands in the valleys of the Arkansas and the White more valuable than the lands they would protect along the Mississippi River. In addition, the costs of protection would be very much greater for the construction of reservoirs.

I think they ought to be investigated. The Secretary could make that report now. Is it not a fact that these reservoirs could be considered in connection with section 4?

Mr. SNELL. It is fully covered in section 10.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SNELL. Mr. Chairman, may I have five minutes additional?

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. SNELL. Yes.

Mr. CRAMTON. I will ask if it is not a fact that if the Shallenberger amendment should become a part of the law it would give the President the option of following the reservoir plan and dropping the other plan entirely?

Mr. SNELL. Yes. When we agree upon this proposition we have lost our control as far as reservoirs are concerned and perhaps the other.

Mr. SIMMONS. Of course, the Congress will have the right to pass on the amount when we come to the appropriation. You can not irrigate lands and you can not develop water power by surveys. You always tell the western Members, "We will give you a survey." That is what you tell us on river development. Now, the Congress has authorized the survey of these projects, and the United States has paid the cost, and the reports are before Congress, and you know how much power there will be and how much water can be stored. That information is all brought here.

Mr. SNELL. We want it all brought before the House so that the House can discuss it before any work is entered upon.

Mr. SIMMONS. We are asking that we have authority, if the President deems it advisable, to come before the Congress and the Committee on Appropriations and ask for the money.

Mr. SNELL. We want the membership of this House to be given the right to pass upon it, and not leave it entirely to the Appropriations Committee.

Mr. SIMMONS. You have it now.

Mr. LOZIER. Mr. Chairman, will the gentleman yield?

Mr. SNELL. Yes; I yield.

Mr. LOZIER. Is not the logical effect of this amendment, if adopted, to confer upon the President the power of adopting a great national project and policy without first having submitted it to Congress for approval?

Mr. SNELL. Yes. That is something that Congress has never been willing to do heretofore, and I do not think it is willing to do it now.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. SNELL. Yes.

Mr. McKEOWN. Suppose it should be found that the reservoir system would cost the Government less money and be more effective than the levee system on the lower Mississippi River. Should we not have the right to adopt it?

Mr. SNELL. Yes; and furthermore if the board suggested that proposition to Congress, we might immediately adopt it. But do the people of the lower Mississippi Valley want to wait 1 year or 10 years for that? I ask, gentlemen, if they want to wait?

Mr. McKEOWN. But here is the proposition: Does the gentleman want to commit Congress to the expenditure of \$300,000,000 or \$400,000,000 in the lower Mississippi without giving the President authority to see whether the other plan is feasible or not?

Mr. SNELL. I am perfectly willing to commit this Government to a certain amount to take care of the lower reaches of the Mississippi River at this time without going into a full investigation of the reservoir scheme.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. LaGUARDIA. The committee just adopted an amendment offered by the gentleman from Illinois which gives the President the power to select one of two projects. That is the



bill as it is now before us, and with a certain proviso in the bill we have already conferred the power to which the gentleman now objects.

Mr. SNELL. No; that is entirely a different proposition than the one we are now discussing.

Mr. LAGUARDIA. The gentleman has in mind the amendment just adopted by the committee?

Mr. SNELL. No; I do not know just what the gentleman has in mind, but I do know that there is not an amendment in this bill providing for the adoption of the reservoir proposition without submitting it to Congress.

Mr. GIFFORD. Mr. Chairman, before a vote is taken upon this amendment some of us not so intensely interested as they who live in this territory, but interested because of responsibility of the Treasury, should express ourselves. I suggest that all of us have studied the proposition, and I wish to say to the committee that immediately after the flood I looked over the CONGRESSIONAL RECORD and read over again a splendid speech made by the gentleman from Mississippi [Mr. WHITTINGTON] about a year before the flood, in which he insisted that the only feasible method, quoting engineers of the last 100 years, was the levee method and that spillways were not practical. It is now shown that when you build 100 miles of levees at the mouth of the river it is necessary to build the next 100, and so on. We who live on the ocean know that when we protect our beaches that it is absolutely necessary for our neighbor to protect his beach or the waters will undermine his property. We are told by engineering authorities—and I presume the gentleman had this in mind in 1926—that after you build a spillway and experience a few floods the force of the main river is only distributed and is finally only as effective as the original stream. These engineers for 100 years back seem now to be discredited, although we have had many serious floods before. However, after the flood of 1927 our friend from Mississippi [Mr. WHITTINGTON] changes from "levees only" and believes that spillways are now practical, although in the face of his most exhaustive argument of two years ago. They now ask us to waste all of the water and not provide any opportunity of conserving it. I am sympathetic with the gentleman from Nebraska and those who have spoken before him for this form of amendment. We are anxious to do something to conserve those waters. We feel that reservoir control will return something to the Government for the large sums we will spend for flood control. Let the tributaries have a chance to be considered, at least, in the great sum of \$325,000,000, which is to be expended. I believe we should give the President and the board some authority with reference to reservoirs, if it is found practical. It may be proven that they can build reservoirs in some localities, which would assist in flood control. We should not provide for the expenditure of all this large sum of money for the building of spillways and flood ways only until the reservoir plan is most carefully considered. I was greatly impressed by this speech of the gentleman from Nebraska [Mr. SEARS], who spoke here so enlighteningly about two weeks ago. I have read this speech several times, and I would plead his cause and those of the semiarid regions for the conservation plan. Do not ask us so violently to spend all of this money on spillways, which Mr. WHITTINGTON claimed were not practical, and engineers assure us that after three or four floods we could dump into the Gulf only the amount of water as was the capacity of the river before such outlets were constructed. [Applause.] [Cries of "Vote!" "Vote!"]

Mr. FREAR. You gentlemen are shouting "Vote!" "Vote!" We have been sitting for five months and listening to evidence with reference to this proposition, and yet you are objecting because we want to have a few minutes in which to learn the truth and pass it around to you.

Mr. Chairman, the engineers made a long examination of the subject of reservoirs. Frankly, I do not believe they know much about reservoirs because of limited time afforded, but they have made a long examination. The engineers had another body examining into the question of diversion, and they also reported. There were five subcommittees among the engineers, and some 200 engineers were engaged in this work. They reported to our committee and stated that a reservoir system would cost in the neighborhood of \$1,500,000,000. Now, here is the situation that impressed me more than all else in their report—that it would take a long period to make a complete determination of what the cost was going to be for reservoirs and what the effect would be upon the flood waters of the lower Mississippi. In response to a question I put to them they said that if you could shut off all of the rivers in Nebraska; for instance, cutting off the river completely, the Pathfinder Reservoir and all others, it would not make a difference of over one-sixteenth of an inch at Cairo at that time.

Now, frankly, I am not prepared to accept that as being a sufficient answer.

But this is the question that confronts us here just as it did in the committee. It will take a very long period to determine the cost of reservoirs and the influence they will have on the lower Mississippi River. It may be several years, and surely it will be over a year, because there are so many questions that are involved in the provision.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. FREAR. I yield to the gentleman from Texas.

Mr. BLACK of Texas. In view of that situation, does the gentleman think it would be wise at this time to adopt the amendment which has been offered by the gentleman from Nebraska [Mr. SHALLENBERGER]?

Mr. FREAR. I am just coming to that. This is a question of great seriousness, and we all ought to have a fair understanding of it no matter how we may vote.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. FREAR. In a moment. Let me discuss and explain something that has not been presented to the House. We permitted section 12 to be inserted in the bill. Section 12 requires a complete survey of all of the tributaries to ascertain what effect the reservoir system will have, and included in that is the power question and all these other propositions. The only serious question, to my mind, or the most serious one, is that it will take such a long time before we can give relief to the people down in the lower valley and therefore we ought to do something at this time. It will take the Army engineers about a year to go on and bring the levee grades up to height, in addition to providing the spillway at Bonnet Carre to protect New Orleans and look after the diversion opposite Cairo at New Madrid. This will take possibly several years. Whether or not we will gain anything by holding back the project, in view of the fact that we have to let contracts and take care of the work incident to that, is for the House to determine.

I was a member of the committee at that time, and we felt it was going to mean great delay. There is a large question involved in this reservoir system and I have presented the facts to you just as fairly as I can.

Mr. HASTINGS. Will the gentleman yield?

Mr. FREAR. Yes.

Mr. HASTINGS. Then we have the assurance of the gentleman from Wisconsin to support sections 10 and 12, in substance, when reached.

Mr. FREAR. I do not see any objection—

Mr. HASTINGS. Do we have the assurance of the gentleman from Wisconsin to that effect?

Mr. FREAR. I do not see any objection to that. I think it is important to have a survey. I think we ought to have all the intelligence and all the information we can have furnished by the engineers or by any other authority. If I were going to criticize the amendment at all, it would be because the President on the support of the Secretary of War or any other agency may proceed at once. Just think what a wide proposition you have in this amendment. Nothing like that is proposed in the bill. Here you have a survey which is to be brought back to Congress and we will then ascertain what the merits are.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. FREAR. I yield to the gentleman from New York.

Mr. JACOBSTEIN. If we adopt this amendment, are we precluded from going ahead any faster on the reservoir system, and if we do construct the reservoir system later on, have we spent money unnecessarily?

Mr. FREAR. Oh, yes; but I am not necessarily worried over that.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FREAR. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. FREAR. Even if we spend \$100,000,000 in a large proposition of this kind it is small when compared with the total amount involved, because in any question of flood control, as suggested by the gentleman from Nebraska, Governor SHALLENBERGER, there is a provision with respect to water power and so many other instrumentalities that are to be developed that we can afford to spend the money. The only thing that disturbs me, I do not want to have the whole project delayed.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. FREAR. Yes.

Mr. SHALLENBERGER. Right in connection with that statement I want to call the gentleman's attention to the fact

that my amendment does not prevent work being started on the lower valley. It simply provides that in the course of construction work, at any time the agencies of the Government which the President relies upon, the Chief of Engineers or any board that he constitutes, shall determine that the project can be benefited by building reservoirs, the President is then authorized to build them.

Mr. FREAR. I understand that, and in any event I am not fearful as to the results; it is only a question of the time involved. That is what I have in mind.

Mr. LAGUARDIA. The attitude of the gentleman from Wisconsin, as reflected by his last statement, stabs me to the quick. The gentleman does not contend that the amendment offered by the gentleman from Nebraska, if adopted, would delay the necessary preliminary work in the lower Mississippi.

Mr. FREAR. If it takes only a year I concede it would not, except so far as letting contracts and advancing the absolutely necessary work you have to proceed with this year. You must remember, however, it is going to take 10 years to complete this project. It is not a question of one year; it is going to take 10 years to finish it, but I do not want needlessly to delay it.

Mr. CROSSER. Mr. Chairman and members of the committee, when one considers the terrible ravages of the Mississippi floods, surely he can not remain indifferent to the subject of flood control. I have long been deeply impressed with the urgent need of providing a remedy for the terrible floods that have caused so much loss of life and property.

Many millions of dollars have been spent in an effort to control the floods in the Mississippi Valley. Most of the work done has been worse than wasted, for it has done much harm instead of good, and has been contrary to all scientific principles. The proper method for the correction of any evil requires that we first determine what is the cause of the trouble and then that we shall endeavor to neutralize or overcome that cause. This has never been done in the case of the flood evil in the Mississippi Valley, nor indeed has it been done anywhere else in the United States. We have spent many millions of dollars to build levees; that is, great embankments alongside of and a little distance back from the natural banks of the river, and the result has been that every flood has been more disastrous than the floods which preceded it.

The theory advanced by the Army engineers to justify the building of levees was that the added force resulting from confining the stream within levees would expend itself on the bottom of the river bed, and would tear up and carry away material from the bottom of the river and so deepen the channel. Mr. Lyman E. Cooley, one of the leading waterway engineers of the United States, when discussing this made the following comment:

The wish seems to have been father to the thought. . . . Unhappily, the river does not seem to have exercised any wise selective power; in fact, it seems to have discriminated in favor of the banks.

Yes, that is exactly what happens; the river tears away the banks instead of removing material from the bed of the stream.

No effort to control the mighty waters of the Mississippi River, when, uncontrolled, they have reached the lower end of the valley, can be successful. The reason why floods are now greater and more destructive in the lower part of the Mississippi Valley than was the case in the early history of the country is that man has removed many natural obstructions which formerly retarded the flow of the water which fell on the land of the upper Mississippi Valley. When the United States Government came into existence great forests covered the land which surrounded the streams which flow on to form the upper Mississippi River. The leaves of the trees of the forests helped to impede the flow of water which fell in the form of rain or snow. The dead leaves which lay on the ground below the trees further hindered the flow of the water which created the smaller streams, which in turn moved on to form the mighty Mississippi River. When these forests were removed and the lands were devoted to agriculture, or occupied by cities and towns, the water falling upon the ground flowed into the streams with greatly increased rapidity. After a heavy rain or sudden melting of heavy snowfalls the streams of the upper Mississippi Valley rise very quickly and, of course, rush on with great rapidity to empty into the main stream which can not at once accommodate such a great volume of water. No more water goes into the Mississippi River than formerly. The trouble is that it now empties into the river more rapidly.

The Government should, wherever possible, engage in a system of reforestation. This, however, will not alone remedy the evil which now confronts us. We must provide a remedy which can be applied more promptly. That remedy, in my opinion, could be provided by the construction of a sufficient number of

reservoirs properly located on the upper tributaries of the Mississippi River. Such a system of reservoirs on the tributaries would enable the Government to not only control the water level in the rivers, but would in reality aid navigation, make possible the irrigation of large tracts of land now practically useless, and would develop water power more than enough to pay the whole cost of building the system of reservoirs.

When it is shown how logical and reasonable is the reservoir plan of controlling floods, those who want to hold to the old idea of levees now say that to be of any use for water power we must have reservoirs full of water, and to be of any use in the control of floods we must have empty reservoirs. Men who make that objection do so because they lack a complete understanding of the proposed reservoir plan. The reservoirs should be large enough to make possible not only the development of water power by the streams when at their average height, but the reservoir walls should be built high enough above the point where water power can be developed, so that there will be plenty of space behind the walls to hold the excess waters resulting from floods. The excess water would be held in the reservoir until it could be allowed to flow out gradually from the reservoirs into the river channels and without danger to any of the country lying below the reservoirs. If great dams were built at suitable locations on all of the tributaries of the Mississippi there would be no difficulty in regulating almost precisely the level of the Mississippi River.

The unanswerable logic of the plan which I have urged should appeal to anyone. To those, however, who are never willing to adopt a proposal on the basis of principle and who must always know before adopting a plan that it has already been in successful operation elsewhere, I might say that Germany, Austria, Russia, France, and Spain have all applied the principle to control floods in certain of their rivers.

What I have said very briefly states the fundamental principles of systematic flood control. Let me say, however, that for the thorough and comprehensive treatment of the subject we should provide for the cooperation of several of the departments of the Government which, because of the duties and functions given them by law, are particularly interested in the subject of the control of waterways.

For that reason, while I was a member of the Flood Control Committee when it was first organized, I introduced on May 2, 1926, a bill for flood control and for the utilization of flood water for constructive and beneficial purposes. The bill proposed the establishment of a national waterways council, to consist of the President of the United States as chairman, the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the chairman of a water control board, which was to be appointed by the waterways council, and which was to devote itself exclusively to the subject of water control. The national waterways council was, by the terms of the bill, to cooperate with the States. The enactment of such a bill would have provided for the systematic control of the waterways of the United States. It would have provided for the control of floods and yet would have kept in view the fact that the excess water of floods could be used for irrigation purposes. It would have provided reservoirs for the development of water power, but would also at the same time have considered the advantages and necessity of providing reservoirs not only large enough to provide for the development of water power but large enough to hold as long as necessary the excess water of floods. In a word, the streams of the country under such a council could have been controlled so as to prevent damage and at the same time confer a positive benefit upon the people of the United States. Later, when the flood control bill, reported favorably by a majority of the committee, came before the House for action, I offered a substitute for the committee bill. That substitute embodied the same principles as the bill I had previously introduced, and presented the proposal which I am now again advocating. The plan, however, was not adopted. It was, however, a relatively new idea and, as usually is the case with new ideas, it was rejected. If they have not seen a thing done, or have not read in a book that it has been done, the reason and imagination of many men do not enable them to know that it could be done. We find, therefore, that after having done in 1916 all that the Mississippi River Commission asked Congress to do, the country suffers more from floods than was the case before we did what the commission requested us to do.

Congress relied upon the assurances of the chairman of the House Flood Control Committee, Mr. HUMPHREYS, and the majority of the committee, who said that if we should provide the money that they were asking for the building of levees, the people of the Mississippi Valley would no longer suffer from the ravages of floods. These gentlemen were given the money they requested and yet what has been the result? In the year



1927, the worst flood in the history of the country brought disaster and untold misery upon the people of the Mississippi Valley.

Let us cease the folly of spending hundreds of millions of dollars to build embankments alongside the lower part of the Mississippi River in a vain effort to hold back from the farms and towns the flood water which has accumulated in the upper part of the Mississippi Valley as a result of the junction of the swollen tributary streams. Let us begin to control the cause of the evil by providing at least for the building of a system of reservoirs in which to hold the flood waters accumulating in the upper tributaries. The water can then be released with perfect safety to the territory lying in the lower part of the valley, but it can also be made of value to the people by using it for irrigation purposes and to produce water power. The expense would be only apparently greater for such a plan would eventually produce enough revenue to pay for the cost of constructing the reservoirs and other works. We should not, however, where human life is in danger, haggle about a supposed greater cost. I say supply the proper remedy now and we shall not be asked in the future for millions of dollars to rebuild levees which have been destroyed as we might reasonably have expected that they would be destroyed when such unscientific methods were adopted.

Mr. MADDEN. Will the gentleman yield?

Mr. CROSSER. I will.

Mr. MADDEN. The gentleman referred to the fact that in 1916 he, as one of the members of the minority, made certain proposals. He was a member of the majority then—the Democrats were in control.

Mr. CROSSER. I am not referring to partisan politics. I was not indulging in political twaddle.

Mr. MADDEN. The gentleman stated he was a member of the minority.

Mr. CROSSER. I said that I was in the minority of the Flood Control Committee.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. HASTINGS. Mr. Chairman, I am heartily in favor of this amendment, whether it be added to section 1 of the bill or to sections 10 or 12.

The people of the Nation have been studying the question of reservoir control and are deeply interested in it, and the more it is examined the more, I am sure, they will be in sympathy with it.

This is an additional method of flood control, and we have no doubt of its ultimate adoption.

The importance of this bill has been repeatedly emphasized. It is one of major importance to the entire Nation. The flood of 1927 was a tragedy. While its disastrous results are vividly fixed upon our memories we should enact legislation which will afford protection in so far as it is humanly possible.

I congratulate the Rules Committee in giving the time which has been allowed by this resolution for the consideration of this question. We were assured of liberal time being allowed for the consideration of amendments which are to be proposed.

Those who represent the sections of our country most disastrously affected are appealing to Congress for adequate protection. The people whom they represent have their backs to the wall. They are entitled to have the sympathetic consideration of Congress. I am sure they will have it.

For more than 100 years we have been making appropriations, but they have not been adequate for protection against the more disastrous floods. I concur in the repeated statement that this is a national question.

First. The floods on the lower Mississippi do not originate there. They come from the watersheds which wholly or in part drain 31 States, which in times of floods pour streams with torrential force through the lower Mississippi, resulting in great loss of life and the destruction of property difficult to estimate. We therefore should not look at the question from a local standpoint but should view it as it is, a national question.

Second. It is urged that there must be local contributions and yet it is admitted that this should be waived in those localities where the people are unable to further contribute for the protection of themselves and their property. The hearings disclose that they have already contributed some \$292,000,000, and if this is viewed as a national question this is far more than their share of local contribution, and these previous payments should be considered in the enactment of this legislation.

Third. The Mississippi is navigable and under the complete control of the Federal Government.

Fourth. The interests of the various units in the same or different States are antagonistic and neither the people, the drainage districts, counties, or States will voluntarily contribute

to the purchase of land for flood-control purposes for the benefit of those inhabiting lower sections. Neither the State of Missouri nor those living in the southeastern counties thereof will bond, tax, or voluntarily contribute for the protection of those living below in the northeastern part of the State of Arkansas, yet a break in Missouri is disastrous to the lives and property of the people living below in the State of Arkansas. The same argument applies with equal force to the several counties and drainage districts within the same State.

It is insisted that all property necessary to be condemned for use in the building of levees or spillways in connection with flood control on the lower Mississippi should be paid for by the people locally because the cost would be much less than if the financial burden for this purpose is borne by the Federal Government. Any amendment presented drawn to protect the Government against real-estate speculation and at the same time permit the work to go forward will receive the careful consideration of Congress—no one wants excessive damages paid. As a matter of practice most of these lands will be acquired through agreements and resorts to the courts will only be occasionally taken. Whether this property belongs to the poor man who owns a few acres, or to his more fortunate neighbor, who owns a larger tract, only fair and reasonable compensation should be paid.

We therefore favor the enactment of such legislation as will protect as adequately as possible the people who inhabit the States bordering on the lower Mississippi River. The levees there should be repaired and strengthened and such other improvements made as are recommended by the best engineers of the country.

We repeat that we are viewing this situation in the lower Mississippi from a national standpoint, and comprehensive legislation should be enacted as will insure permanent protection against the recurrence of these great disasters.

It is urged that the cost will be prohibitive. This argument does not appeal to me. I do not want to see a dollar unnecessarily or extravagantly expended. I am for the strictest economy. This legislation should be so carefully prepared as will insure the Government against graft and reduce to a minimum extravagant waste. This can not always be avoided in public work, but we should enact legislation to minimize and safeguard it as much as possible. The work should be placed under competent supervision.

If the people of the Nation are satisfied that they will get 100 cents' worth of benefit out of every dollar expended, they will be satisfied.

I do not believe that we should place the money authorized to be expended in the balance against the human equation of protecting the lives of the people and of preventing the suffering and disaster that befell them along the lower Mississippi in 1927. When we enact legislation, as we will, providing for a comprehensive plan of flood control, we will make only annual appropriations, and Congress must see to it from year to year that the work is not only efficiently done but that all opportunities for graft and extravagance are either eliminated or reduced to a minimum. The greatest care should be taken to protect the Government both in legislation and administration.

We have been making appropriations and enacting legislation for flood protection in a more or less inadequate manner for 100 years. The question now arises: Shall we resort to the levy system or to levees and spillways without the testing of every other method which may be presented for our consideration? We who live in States not immediately adjacent to the Mississippi express our deep sympathy with those who live in the lower reaches of the great valley. The picture presented of the great flood of 1927 is a harrowing one. We say to you that this picture is not complete unless our vision permits us to take a comprehensive view of the entire 31 States from whose watersheds the drainage comes to produce these great disasters. The people of my State are tremendously interested in this important question. One of the great tributaries of the Mississippi, the Arkansas River, is 1,460 miles long. It rises in Colorado and gathers force and volume as it flows through Kansas, Oklahoma, and Arkansas, emptying into the Mississippi. Great disasters occur along this river and its tributaries. Congress has made appropriations for this river since 1832. I live a few miles distant from the Arkansas River, which flows through my district, and have intimate knowledge of the disasters which have occurred in previous years, particularly in 1927, along this river and its main tributaries. These disasters are of more or less annual occurrence. In 1927 we witnessed this mighty river pouring its torrential volume of water with great force toward the Mississippi River, spreading out 5 to 10 miles in width over the richest agricultural land that may be found in the entire Nation, taking its toll of lives, sweeping away homes, destroying crops of incal-

culable value, doing permanent injury to the land itself, undermining and destroying highways, interrupting the commerce of that section of the country by destroying bridges and interfering with the mails. In my home city the train service was so interrupted that mail was not received for almost a week, the first mail being brought in by motor transportation. This picture is not overdrawn, and while we are willing to sympathetically view the picture of the lower Mississippi and to assist in the enactment of legislation that will afford adequate and permanent protection, we appeal to the Representatives of that section, and the entire membership of this House, that we should view the entire picture and enact constructive legislation embodying a comprehensive plan to remedy the situation.

For 75 years the Arkansas River was navigable and is now so recognized by the Government, to the confluence of the Grand and Verdigris Rivers, near Muskogee, Okla. Appropriations have been made for this stream as far north as Wichita, Kans. Shortly after the Civil War railroads were built through that country, which was then sparsely settled. The Arkansas River fell into disuse. The appropriations and improvements were discontinued. The trees were felled along the banks of the river, and these banks were by erosion carried into the bed of the stream, the channel filled and changed, until within the past 25 years little use for navigation purposes has been made of this river. The neglect has been with Congress. We, therefore, who represent States drained by the major tributaries of the Mississippi in turn appeal to the Members of this House and urge the consideration of a comprehensive national plan for flood control.

We are deeply interested, therefore, in the sections which provide for surveys and flood control of the tributaries. Much important data have already been collected through the efforts of the Representatives of these States and the best civil engineers engaged, who have spent a great deal of time in making surveys, assembling data, and making a comprehensive study of the question. The best civil engineers obtainable report that reservoirs can be constructed at a reasonable cost for the impounding of the water when floods are menacing which will sufficiently reduce the volume in the lower Mississippi that, in connection with levees already built, after they are repaired and strengthened, will afford adequate protection to that section. It will also protect the people along these major tributaries from the results of disastrous floods, such as they experience almost annually, culminating in the great flood of 1927. It is estimated that in my State alone we lost from twenty-five to forty million dollars' worth of property. The flooded area in the Arkansas River valley and its tributaries in Oklahoma covered 782,300 acres.

We are therefore deeply interested in those sections of the bill which provide for surveys for the major tributaries of the Mississippi, including the Arkansas River and its tributaries, and authorizing the expenditure of \$5,000,000 in addition to the amounts authorized in the river and harbor act of January 21, 1927, and a study of the reservoir system for flood control.

We would prefer to have these surveys made under the direction of the board that is created by section 1 of the bill rather than through the Corps of Engineers. The report of the engineers compels us to reach the conclusion that they are prejudiced in advance against the reservoir plan of flood control. Their report insists that the cost is prohibitive. The best civil engineers whose services have been utilized insist that the cost of the construction of these reservoirs, adequate for flood control, will be reasonable. These civil engineers have spent a great deal of time in collecting data and in the consideration of this important question. The report of the Army engineers, we insist, is upon a superficial examination of the question. We believe, therefore, that the board created by section 1 would give a more unbiased and a more sympathetic consideration to the reservoir plan of flood control.

It is true that section 10 provides that before the reports of the Army engineers are presented to Congress they shall be presented to the board. We feel that the data will be collected and so arranged that it will not be presented in an unprejudiced way to the board. If these surveys were made under the direction of the board so as to insure an open-minded consideration of the reservoir plan, and reports expedited, we would be satisfied with the conclusions that would be reached. We also believe that the cost of the construction of reservoirs on the Arkansas and its major tributaries would not exceed the damage done by the 1927 flood alone.

I have confidence that if section 10, in substance, stays in the bill with the expenditure of \$5,000,000 authorized, that the feasibility of the plan of reservoir control will be acknowledged and that reservoirs will ultimately be constructed not only to the great benefit of the flood protection along the lower reaches of the Mississippi River but for the benefit and protection along

the Arkansas River and its major tributaries below the sites selected for the reservoirs. That means, of course, protection against disastrous floods in the future. It means incidentally the reclaiming of great bodies of productive land to the farmers for cultivation. It means navigation renewed on the Arkansas River and reduced competitive freight rates. It means the protection of commerce, the Federal highways, and the roads over which the mails are carried. We believe that this will be money wisely expended. In my judgment, it should be regarded as an investment. We should have courage to enact such legislation as will adequately meet the needs of the situation.

It has been suggested on the floor and in the press that legislation, except along certain lines, will be met with Executive disapproval. The responsibility is upon Congress to study this question, to originate and enact legislation that will meet the situation. When passed, the responsibility is transferred to the President. The Flood Control Committee of the House has held hearings upon this bill for three or four months. Every phase has been presented and considered. I am not willing, as a Member of the House, to permit the question of cost to prevent me from supporting a comprehensive plan of flood control provided it is safeguarded against graft and waste reduced to a minimum.

It has been suggested by the chairman of the Committee on Rules [Mr. SNELL] that amendments to the bill are to be presented for the consideration of the House, and it is intimated that these amendments will not only be perfecting amendments but far-reaching in their character. It is also suggested by the dissenting member of the Flood Control Committee [Mr. FREAR] that certain amendments are in course of preparation and will be presented.

In fairness to the House, these amendments should have been printed and offered at the beginning of the debate, so that they might have had the study of Members before they are presented for consideration later on. I will consider each amendment on its merits when presented and vote for those which my best judgment may approve.

I would like to make myself clear upon two points: First, I am in favor of the most rigid economy. I would not vote for a dollar for flood control or any other purpose which was not recommended as necessary, and I want every dollar of that money efficiently expended, and its expenditure safeguarded by legislation enacted by Congress to eliminate graft and to reduce extravagance to a minimum. If under the expenditure authorized by section 10 of this bill the reports, as I believe they will, compel the building of reservoirs, I am sure adequate appropriations by Congress will follow.

Second, I am supporting this bill for flood-control protection, with the assurance that section 10 providing for the survey of the major tributaries of the Mississippi will be retained in the bill. Of course, the argument used in behalf of the Arkansas River and its tributaries applies with equal force to the other major tributaries authorized to be surveyed by section 10 of the bill. We should not take a narrow or sectional view of this legislation. We have a right to expect that this section, in substance, will be retained. Let me warn my fellow Members that if this section is eliminated and no provision is made for a survey and a study of the major tributaries and their contributing streams, I shall be compelled to withhold my approval of this legislation. I can not vote for a bill that discriminates against my State and district. We have a right to expect fair treatment of all sections of the country at the hands of Congress. We do insist, however, that in so much as our people have suffered so greatly that they have a right to have the reservoir plan of flood control examined and carefully studied, which we believe will compel its acceptance.

In criticizing this plan of flood control the report of the engineers in support of the levee system insists that the bed of the lower Mississippi is not raised by the deposit of silt, sand, gravel, and erosion carried into it from the major tributaries, and, therefore, they argue that building up and strengthening the levees will afford adequate protection. This is against the experience of every barefoot boy who has played and fished along the minor streams in every section of our country. They know that after a heavy rain falls silt and sand and gravel form sandbars, filling up and frequently changing the channels of the smaller streams near their source. This is true where the fall is much greater and the current, therefore, stronger than in the lower reaches of the Mississippi where the bed is so level that the momentum of the current presses the water on to the Gulf. It is against the experience of all who have lived along the larger streams where erosion causes the banks to cave in and to fill up the bed of the stream and frequently change its current. If this be true where the fall is greater and the current stronger it must of necessity be true in the lower Mississippi River bed. If the bed of the Mississippi is



raised, of course the height of the protecting levees is correspondingly lessened. We insist, therefore, that with the surveys made as provided in section 10, in which we are so vitally interested, that it will compel the adoption of the reservoir plan of flood control and this in turn will afford flood protection to an area extending in whole or in part over 31 States of the Union. Of course, such a comprehensive plan will necessitate the authorization of a large expenditure of money, but we ought to legislate for the permanent benefit of this wonderfully rich area which produces the agricultural products, not only to sustain the people of this country, but also contributes to the happiness and prosperity of the entire citizenship of the Nation.

Let me remind you, in conclusion, that in the settlement of our foreign obligations we remitted to the people of the European countries in interest the staggering sum of \$10,705,000,000. We should not, therefore, hesitate because of its cost to come to the relief and protection of our own citizenship in the enactment of such legislation as will result in permanent benefit to them and to the people of the entire Nation.

If this bill is enacted retaining the provisions in substance as are found in section 10, I am going to vote for it. If that section is eliminated or if combinations are made so as to emasculate the bill, either in the House or in conference, I shall take the course which my best judgment dictates when a vote is finally had in the House either upon the bill, the conference report, or the threatened presidential disapproval.

Finally, I want to insist that this responsibility is upon Congress and that we will not be meeting the expectations of the country if we do not fully assume our part of the responsibility and direct in detail this flood-control legislation.

Mr. REID of Illinois. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto be closed in 12 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that debate upon this section and all amendments thereto close in 12 minutes. Is there objection?

There was no objection.

Mr. SCHAFER. Mr. Chairman, ladies and gentlemen of the House, I made the statement a few days ago that I wanted to support flood-relief legislation and would vote for this bill if certain amendments were included. I believe we should adopt the pending amendment submitted by the distinguished gentleman from Nebraska [Mr. SHALLENBERGER]. It is a step in the right direction, because in the final analysis the levees and spillways are not the real solution of the flood-control problem. We have to control the waters in the tributaries if we are to give proper protection to the valley. [Applause.] I know that the great Power Trust in this country does not want the tributaries controlled and reservoirs and dams built where power may be generated, which will come into competition with their business. We should adopt this amendment and send word to the country that this Congress favors sound, complete, and effective flood control and not merely a patchwork plan.

I call attention to another amendment which I shall offer at the proper time. I propose to offer an amendment on page 5, line 12, after the word "pay," to insert:

*Provided, That in no event shall the compensation paid for property used, taken, damaged, or destroyed exceed the assessed valuation for taxing purposes, plus 100 per cent of such valuation.*

I think this is a reasonable amendment which every Member should support, especially those from the valley States who are constantly reminding the country that there is no pork in the pending bill.

Mr. DENISON. Why make it so large?

Mr. SCHAFER. I am making it large so that no Member of the House can vote against it because it is not large enough.

Mr. COX. Does the gentleman think that the provision would be sustained in law? Does he not recognize that it would be unconstitutional?

Mr. SCHAFER. I would rather await the opinion of the highest court of the land in respect to its constitutionality than take that of the distinguished gentleman. We have had similar limitations in legislation providing for purchase of property in the District of Columbia. We know that when the Government of the United States is in the market for property that the owners generally demand three, four, and five times the assessed valuation. There was read into the RECORD the other day some telegrams from great lumber and land companies showing that they would sell their land for \$10 an acre; but the telegrams indicated that they reserved the minerals and the timber. Those lands are practically valueless after the timber is taken off and the minerals reserved. With the timber on these lands I am frank to state that if we look into the assessment rolls of the various districts, we will find they are not assessed on a

value of much more than 50 cents an acre. A dollar or two an acre at the very most. Vote for my amendment when it is offered, and send the word to the country that this Congress is not going to leave the door wide open for any exploiting of the Treasury. [Applause.]

Mr. HOWARD of Oklahoma. Mr. Chairman, I am in full accord with the amendment offered by the gentleman from Nebraska [Mr. SHALLENBERGER]. I have prepared and intended to offer an amendment at the end of section 10, reading as follows:

Line 20, page 10, after the word "section," add: "Provided further, That the surveys herein provided for shall be made simultaneously with the flood-control work on the Mississippi River provided for in this act, and if said surveys made on these tributaries shall disclose any flood-control projects which in the judgment of the commission herein provided for would be effective in controlling or assisting in controlling the floods on the Mississippi River, the President is hereby empowered to include such flood-control projects as a part of the work of controlling floods on the Mississippi River, and there is hereby made available for such purpose or purposes any part of the moneys for flood control on the Mississippi River authorized to be appropriated by this act."

When it comes to real flood control in the entire Mississippi Valley, where flood control is needed just as much on one river as the other, this amendment is the most important portion of the entire bill. We who believe in a great and comprehensive plan of flood control believe that the control of the tributaries is the most important part of this work. It is from the tributaries that the waters come that cause the floods on the Mississippi. If there were no floods on the tributaries the people of the lower Mississippi would not be in peril.

We have believed and still believe that had the Army engineers given due, broad, and scientific study to tributary control through reservoirs that all the controversy that has arisen as to the cost of rights of way for spillways would have been averted, as many, if not all of them would not have been needed, and the sites for reservoirs would have been much cheaper than the rights of way for spillways. We are not yet convinced but if provisions are made, and they are made drastic enough to compel the proper study, that an honest administration of flood-control work will, to a very considerable degree, revert to the reservoir and tributary-control plan.

Why not? Experts who have studied the situation claim, and it is claimed that General Jadwin has admitted, that a reservoir plan on the Arkansas River would have reduced the flood crest of 1927 on the Mississippi from 3 to 4 feet, and those who have made surveys on the Arkansas River maintain that this could have been done for a cost of about \$70,000,000 for the Arkansas alone, and would not only have reduced flood control on the Mississippi from 3 to 4 feet, but would have insured flood control on the Arkansas and its tributaries.

This plan on the Arkansas alone would have resulted in lowering the flood crest on the Mississippi from 3 to 4 feet. Experts who have studied the question claim that the same kind and extent of control on the Ohio would have reduced the Mississippi crest from 6 to 8 feet. They also claim that by following the same plan on the Missouri River they would reduce the Mississippi crest from 3 to 5 feet.

Thus we find the situation to be: Were the reservoir and tributary plan followed on these three rivers they would have reduced the flood crest on the Mississippi in any recorded flood from 12 to 20 feet.

It is claimed, and records disclose, that if the flood crest on the Mississippi had been reduced by this amount, or one-half of this amount, all danger and damage on the Mississippi in the flood of 1927 would have been avoided. Then I inquire why not control floods in this way and make flood control on both the Mississippi and its tributaries permanent and economical?

And why should not Congress adopt the amendment just offered, for it would yet open up the way for those in charge of flood control to do it if the facts after this survey justified the findings above? This amendment in no way interferes. It makes no additional appropriation. It can do no damage and merely makes it optional, but it does do this: That should the plan of reservoirs be found feasible or partly feasible, it would avoid any delay in asking Congress for further instructions.

I hope the chairman of the committee and the Congress will see fit to accept this amendment.

Mr. O'CONNELL. Did General Jadwin make the statement the gentleman referred to before the Flood Control Committee, or was it made in some private statement?

Mr. HOWARD of Oklahoma. General Jadwin's report indicates that reservoirs would control the Arkansas River and its tributaries, and my argument is that if they will do it, what

harm can this amendment do? We appropriate no money and increase in no way the cost to the people, but we do give an alternative plan here, if the President and the engineers in charge find that they can save money and control the floods.

Mr. WINTER. The gentleman speaks of an alternative plan. He means an additional plan, does he not?

Mr. HOWARD of Oklahoma. Yes. I can see no harm in this amendment. It may be that these experts, when they get some civil engineers on the job who are not prejudiced against these reservoirs, who are not in the position of the Army engineers of having made an office survey, and when they have made a real scientific survey, will control these floods through reservoirs both on the tributaries and on the Mississippi. Let us adopt this amendment. [Applause.]

Mr. REID of Illinois. Mr. Chairman, I would like to reiterate every good thing that has been said about the reservoir system. I think it is the ideal method of preventing floods on the Mississippi River at some time, because everybody knows that a big flood is nothing but a lot of little floods coming together at the same time.

The introduction of such an amendment is an ideal method of killing this particular piece of legislation, and therefore I hope you will vote down the amendment at this time. My original bill provided for reservoirs in a similar way, and my having it in there was the occasion of commentaries by people appearing before the committee, and was used as an excuse to belittle my bill and for saying it would cost a billion dollars, and thus wipe it off the board so far as concerns the proposition at this time.

Mr. SHALLENBERGER. My amendment is not binding on the President to spend a dollar.

Mr. REID of Illinois. No. But it permits the use of the appropriation on reservoirs and does not provide whether you will give one-tenth or do it for nothing. It is ill-advised at this time, and consequently I hope the amendment will be defeated.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. O'CONNELL. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk read as follows:

Amendment offered by Mr. SHALLENBERGER: Page 3, line 14, after the committee amendment and before the word "The," insert the following: "Provided further, That whenever the President shall ascertain from the Secretary of War or other agency that floods on the lower Mississippi can be controlled and prevented by construction of reservoirs for the impounding of waters in the Mississippi River and its tributaries, the construction of such reservoirs is hereby authorized, under the direction and supervision of the Secretary of War and the Chief of Engineers, and the appropriations authorized by this act are hereby made available for such reservoir construction."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Nebraska [Mr. SHALLENBERGER].

The question was taken; and on a division (demanded by Mr. SHALLENBERGER) there were—ayes 107, noes 111.

Mr. LAGUARDIA. Tellers, Mr. Chairman.

Tellers were ordered; and the Chairman appointed Mr. REID of Illinois and Mr. SHALLENBERGER to act as tellers.

The committee again divided; and the tellers reported—ayes 107, noes 114.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. MADDEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 3, line 15, after the end of section 1, add a new paragraph, as follows:

"All unexpended balances of appropriations heretofore made for prosecuting work of flood control on the Mississippi River in accordance with the provisions of the flood control acts approved March 1, 1917, and March 4, 1923, are hereby made available for expenditure under the provisions of this act except section 13."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MADDEN].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. HASTINGS. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question with reference to the fixing by the President of the salary. I invite attention to the proposed amendment on page 8, beginning with line 12 and ending with line 18. I want

to ask the gentleman whether or not that did not provide for the salaries of the commission?

Mr. REID of Illinois. One is for the board and one is for the commission.

The CHAIRMAN. Without objection, the Clerk will correct the spelling of the word "contiguous," on page 3, line 13.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 2. That it is hereby declared to be the sense of Congress that the principle of local contribution toward the cost of flood-control work, which has been incorporated in all previous national legislation on the subject, is sound, as recognizing the special interest of the local population in its own protection, and as a means of preventing inordinate requests for unjustified items of work having no material national interest. As a full compliance with this principle, in view of the great expenditure, estimated at approximately \$292,000,000, heretofore made by the local interests in the alluvial valley of the Mississippi River for protection against the floods of that river; in view of the extent of national concern in the control of these floods in the interests of national prosperity, the flow of interstate commerce, and the movement of the United States mails; and in view of the gigantic scale of the project, involving flood waters of a volume and flowing from a drainage area largely outside the States most affected, and far exceeding those of any other river in the United States, no additional local contribution to the project herein adopted is required.

With a committee amendment.

Mr. LAGUARDIA. Mr. Chairman, a point of order.

The CHAIRMAN (Mr. Cramton). The gentleman will state it.

Mr. LAGUARDIA. It is not legislation. It is simply a declaration of sentiment and feeling. Otherwise there is no legislation in it. It is like a "whereas" clause in a resolution.

The CHAIRMAN. Unless the gentleman from New York desires to be heard further, the point of order is overruled. The Clerk will report the committee amendment.

The Clerk read as follows:

On page 4, line 9, strike out the word "additional."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. FREAR. Mr. Chairman, what is the committee amendment?

The CHAIRMAN. The Clerk reported the committee amendment. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. LUCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LUCE: Page 4, line 10, after the word "required," strike out the comma and insert the words: "Provided, That in all cases where in execution of the flood-control plan results, in the opinion of the board created in section 1 of this act, in special benefits to any person or persons, or corporations, municipal or private, or public-service corporations, such benefit shall be assessed upon the property benefited and shall constitute a lien thereon, and shall be collected by such proceedings as the Secretary of War may prescribe, which proceedings shall provide for deferred payments to such extent as may be deemed just and reasonable under all the circumstances."

Mr. REID of Illinois. Mr. Chairman, I reserve a point of order against the amendment.

Mr. LUCE. Mr. Chairman, the injection of what may at first blush seem a novel proposal into the consideration of a bill of this sort at this stage does not invite speedy acceptance, I well realize, but possibly later in the journey of the measure the proposal may receive adequate consideration, if that is impossible now. But the suggestion is not wholly novel. In section 4, which we are told will disappear from the bill, there is essentially this proposal but applying only to such lands as might in part be taken. This is the principle of betterments. There is no logical reason why the principle of betterments should apply only to land to be taken in part and not apply to adjacent land, chancing to be outside the limits of the actual construction. It has been in my State for 60 years an accepted principle, one now become a political and social habit, that the unearned increment accruing to private owners of property as a result of public improvement shall be taken by the community to reduce the cost of that improvement.

Mr. DENISON. Will the gentleman yield?

Mr. LUCE. Certainly.

Mr. DENISON. Before the improvement is undertaken in your State, is it not submitted to a vote of the people?



Mr. LUCE. The improvement itself?

Mr. DENISON. Yes.

Mr. LUCE. Oh, by no means.

Mr. DENISON. Does the gentleman maintain that this Government can provide an assessment in one State for an improvement done in another without consulting the people themselves, and that that can be made a lien upon property in another State and their property taken from them if they do not approve it?

Mr. LUCE. I maintain that the practice is constitutional in those of the States that follow it and that it is constitutional for the Federal Government to say that unearned increment shall not accrue to private owners of property as the result of public improvement. That may be presumed to have been the justification for putting it, in part, into section 4.

Mr. BLACK of New York. Will the gentleman yield?

Mr. LUCE. I yield.

Mr. BLACK of New York. Does the gentleman contend that it is constitutional for the Government to levy a direct tax on any real estate?

Mr. LUCE. I do not admit that this is a tax. This is what is known in various States of the country as a special assessment. I am told by an Indiana Member that in his State the benefits that result from drainage undertakings are assessed not only in the case of the bottom lands but also that the assessments go away up into the hill lands, and no man is allowed to benefit unrighteously by the expenditure of public money. The gentleman who told me this thought the same system prevailed in Illinois and in some of the other Western States.

Mr. DENISON. Of course, that system prevails, but before an improvement is undertaken there must be a vote or a petition signed by a certain number of the people whose land is affected. The Government can not undertake an improvement and impose a burden upon property without consulting the people.

Mr. LUCE. I think the gentleman discloses lack of familiarity with the principle as we have applied it in New England to the great benefit of the community and with fair play to all concerned. Now, let me get down to the concrete facts.

Mr. McSWAIN. Will the gentleman yield?

Mr. LUCE. Yes.

Mr. McSWAIN. If the amendment should be enacted into law, I wish to suggest to the gentleman the propriety of requiring that the Secretary of War shall give notice to all parties whose lands may be affected by a lien to show cause why there may not be an assessment made in compensation for betterments, so they may have had their day in court and the question of constitutionality may then not be raised.

Mr. LUCE. The amendment is necessarily brief, for I did not desire to include the whole law of betterment or special assessment, but I was proceeding on the expectation that the Secretary of War, with the advice of the Attorney General, would go ahead in a constitutional and legal manner.

Mr. COX. Will the gentleman yield?

Mr. LUCE. I yield to the gentleman from Georgia.

Mr. COX. Is the gentleman contending that the Federal Government has a revenue-raising power which it can exert as against the States?

Mr. LUCE. I do not concede that this is a revenue-raising power.

Mr. COX. The amendment of the gentleman provides that the principle of benefit assessments shall be exercised.

Mr. LUCE. I do not concede it is an exercise of the taxing power. It is the exercise of the right to take away from those who have not earned it money that would otherwise go into their pockets.

Mr. COX. But certainly the gentleman is not contending that the Federal Government can exercise any such power as against the States.

Mr. LUCE. It is not the exercise of taxing power against the States. This does not require a local contribution or a local levy of any sort. It says to the great lumber company that is going to get a million dollars increase in the value of its land, "You have not earned this \$1,000,000, and it should go into the Public Treasury to pay for the cost of the improvements."

Mr. COX. Certainly the gentleman does not contend that the Federal Government can exercise any such power.

Mr. LUCE. I absolutely do so contend. It was put into the fourth section of the bill. Why did the gentlemen who put it in the fourth section permit it to go there if we could not exercise that power?

Mr. COX. The gentleman is entirely in error.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. SHALLENBERGER. Mr. Chairman, I move to strike out the last word. I want to submit a question to the gentleman from Illinois [Mr. MADDEN], if I may have his attention. I would like to ask the gentleman if he can state to the committee just how much additional appropriation we carried in the amendment of the gentleman which appropriates unexpended balances of the past?

Mr. MADDEN. It is just the unexpended balance of the appropriation for flood control which we have been making of \$10,000,000 a year. We have now \$10,000,000 pending.

Mr. SHALLENBERGER. Can the gentleman state how much money that would add to the \$325,000,000?

Mr. MADDEN. I think it would add \$10,000,000, or very close to it.

Mr. BANKHEAD. Mr. Chairman, I understand a point of order has been reserved to the amendment.

Mr. REID of Illinois. Mr. Chairman, I withdraw the point of order.

Mr. GARRETT of Tennessee. Mr. Chairman, I renew the point of order. I do not care to discuss it, but I make the point of order it is not germane to the section.

The CHAIRMAN. The Chair will be pleased to hear the gentleman from Massachusetts on the point of order.

Mr. LUCE. Mr. Chairman, the first consideration in the matter of this point of order is that the whole subject is thrown open by the stump speech that makes up 95 per cent of the section. That part of the bill has no place in the law. We regularly strike out preambles. We do not ordinarily put reasons and arguments into our legislation, but when we do try to put them into the law itself we open wide the whole subject with such an academic expression of opinion and such a statement of historical fact as here appears. This sort of thing invites litigation and then controversy every time the statute comes into court. Now, gentlemen, when you opened the door wide you invited every kind and type of amendment. This is the first answer I shall make to the point of order, and it is the case of the King of France going to the French city and the council coming out and apologizing because the mayor did not present himself. They said the first of 10 reasons was that the mayor was dead. This first of the 10 reasons why this section is open to amendment in any particular relating to the whole subject suffices, in my judgment, and there is no need to give the rest.

If it is not to be opened to amendment in this particular, possibly when section 4 is reached the amendment may be renewed and may receive further consideration by the committee.

Mr. NEWTON. Will the gentleman yield there?

Mr. LUCE. Yes.

Mr. NEWTON. I will call the gentleman's attention to lines 19, 20, 21, 22, and 23, and the broad language used there which calls attention to the special interest of the local population. That certainly ought to form some basis for the gentleman's amendment.

Mr. LUCE. And I would add to that pertinent consideration by calling your attention to this other language, adequate as a basis for proposing an amendment of this sort:

As a means of preventing inordinate requests for unjustified items of work having no material national interest.

The demands of certain corporations interested in the lands of this valley might be inferred from the words, "unjustified items of work," and "inordinate requests" might be construed to cover the whole proposition.

The CHAIRMAN (Mr. LEHLBACH). The Chair is ready to rule. The first sentence of section 2 reads as follows:

SEC. 2. That it is hereby declared to be the sense of Congress that the principle of local contribution toward the cost of flood-control work, which has been incorporated in all previous national legislation on the subject, is sound, as recognizing the special interest of the local population in its own protection, and as a means of preventing inordinate requests for unjustified items of work having no material national interest.

After a further recital the section continues that in view of the gigantic scale of the project, and so forth, no additional local contribution to the project herein adopted is required. By committee amendment the word "additional" is eliminated.

The amendment offered by the gentleman from Massachusetts [Mr. LUCE] provides for the assessment of special benefits accruing to any persons, corporations, municipal or private or public service corporations, and provides that the assessment of such benefits upon the property benefited shall constitute a lien thereon. The point of order is that this provision is not germane to the subject matter of section 2. Without going exhaustively into the question, the Chair deems the amendment in furtherance of the declaration of policy in the first part of

the section and hence germane. He therefore overrules the point of order. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. LUCE) there were 87 ayes and 90 noes.

Mr. LUCE. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. LUCE and Mr. REID of Illinois.

The committee again divided; and the tellers reported that there were 110 ayes and 118 noes.

So the amendment was rejected.

Mr. FREAR. Mr. Chairman, I move to amend by striking out of section 2 all after the words "national interest," in line 23.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. FREAR: Page 3, line 23, after the word "interest," strike out the remainder of the section.

Mr. FREAR. Mr. Chairman, I concur in the statement that section 2 is largely a stump speech. This policy of contribution has always been pursued by the Government in regard to flood control. It is pursued in case of the Sacramento proposition in this same bill and it ought, to my mind, to be continued.

The second part of the project is of the same character and I will point it out. It says:

As a full compliance with this principle in view of the great expenditure estimated at approximately \$292,000,000 heretofore made by the local interests in the alluvial valley of the Mississippi River for protection against the floods of that river.

That is money spent for levees. During the course of 50 years, or it may be 100 years, of such expenditure it does not state anything with regard to how much they benefited by that expenditure. They may have had in crops and other benefits a hundredfold that amount. I do not know that anyone knows the fact. It seems to me it has no relation and we ought not to prejudice a good principle by that provision. By striking it out it interferes in no way with the other parts of the section.

I do believe, as the gentleman from Massachusetts [Mr. LUCE] declared on the floor, that on every occasion where it can be made, where the Government goes in and puts in money and permits the local States to benefit, those benefits should be charged to them. The fact is that the committee was so strongly in favor of the amendment of the gentleman from Massachusetts that we almost passed it with over 100 votes. I am in favor of contribution.

Mr. BANKHEAD. Would not it put us in a ridiculous attitude for the committee to adopt the gentleman's suggestion—striking out the latter part and leaving in the first part, that we do believe in local contribution?

Mr. FREAR. I am willing to strike it all out.

Mr. RAINEY. Mr. Chairman, the narrow escape the bill had from complete destruction a few minutes ago emphasizes the fact that the friends of this legislation ought to remain on this floor. A proposition socialistic in the extreme, and not dreamed of by any advocates of the single-tax system, narrowly escaped incorporation in the bill. It was only defeated in the committee by seven or eight votes. The speech of the gentleman from Massachusetts introducing the proposition itself was made the vehicle for another insinuation that somewhere in these spillways which are to receive the surplus flood of this river—somewhere there is a lumber company which may profit to the extent of a million dollars by the adoption of this bill with its provision for spillways.

Mr. LAGUARDIA. What is the name of the lumber company?

Mr. RAINEY. There is no such lumber company. The insinuation was that somewhere there is a lumber company which may profit greatly and to the extent suggested by the gentleman from Massachusetts if this bill becomes a law.

I challenge that statement and all similar statements that there are lumber companies in these proposed spillways which will recover enormous sums of money if the plan is adopted. The statement was made early in this debate by the gentleman from Wisconsin [Mr. FREAR] that there are lumber companies, namely, the Tensas Lumber Co., operating in the Cypress Creek spillway, owning 225,000 acres of land, and other great lumber companies were enumerated in that particular indictment of this bill.

Mr. WILSON of Louisiana. Mr. Chairman, if the gentleman will yield, in order to keep the Record straight, the Tensas Delta Land Co. is not a lumber company.

Mr. RAINEY. I thank the gentleman for his contribution to the facts. After the publicity had gone out over the country that these companies were to profit and to obtain all the way

from \$50 to \$75 an acre for their land, then the telegrams commenced to come from these companies addressed to the gentleman from Louisiana [Mr. WILSON]. He commenced to put them in the Record, and we were surprised to learn that the Tensas Land Co. insisted that its lands, the fee to its land, timber rights, mineral rights, if there are any, everything of value connected with the land, was not worth to exceed \$10 per acre, and much of it was not worth to exceed \$5 an acre.

Mr. SCHAFER. Those telegrams incorporated in the Record do not indicate that \$10 an acre included the mineral and timber rights. The telegrams specifically exempted those rights.

Mr. RAINEY. Oh, what the gentleman thinks he knows about flood control would fill a great many volumes, but what the gentleman does know would not fill one.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RAINEY. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN? Is there objection?

There was no objection.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. SCHAFER. The Record will speak for itself as between the accuracy of my statement and the statement of the gentleman from Illinois.

Mr. RAINEY. I yielded only for a question. What does the Government want with coal 60 feet under ground, when it simply wants to run water over the surface of the ground? What does the Government want with timber standing on the ground when it only wants to run water through the timber on the way down to the Gulf? But the gentleman from Wisconsin [Mr. SCHAFER] is continually injecting into this debate, no matter what the facts are, no matter what the companies are willing to take for their land, that they all retain the mineral and timber rights. What in the world does the Government want with coal and the minerals and the timber in order to flow water through the timber and over the land down to the lower part of the river and on to the Gulf?

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. RAINEY. I can not yield for the present. I understand that in this spillway where the Tensas Land Co. operates there are 3,750,000 acres of timberland. The gentleman from Louisiana [Mr. WILSON] has already received telegrams and has placed them in the Record, accounting for perhaps 600,000 acres of that land. Those telegrams fix the value of the flowage rights over all of it. Nobody can substantiate the extravagant amounts that the gentleman claims were demanded for this land, \$50 and \$75 an acre, at the opening of this debate.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. MADDEN. I wonder if my colleague is right when he says that all that they demand of the Government is the cost of the flowage rights. My understanding is, and I may be wrong, that they are demanding that the Government shall buy the title to the land. If that is true, there is quite a difference as to what it will cost.

Mr. RAINEY. If that is true, that would make some difference, but if that is true the title to this land could not be worth over \$5 or \$10 an acre. It is worth only one-seventh as much as the House has been told it was worth.

Mr. MANSFIELD. And in that case the mineral and timber rights would not be reserved.

Mr. WILSON of Louisiana. The flowage rights would be bought, except such land as may be necessary for the construction of the levees.

Mr. FREAR. Does the gentleman contend that the flowage rights of these 4,000,000 acres can be purchased for \$5 to \$10 an acre?

Mr. RAINEY. For the land itself. That can be purchased at \$10 or \$5 an acre. That is what the telegram of the Tensas Co. stated, and this is the largest of these land companies which were subjected to a most vigorous indictment by the gentleman from Wisconsin.

Mr. FREAR. But the testimony in our committee was entirely to the contrary.

Mr. RAINEY. The telegram is of record and that settles it, and that company would be bound by its statement and could not get out of it, and all these other companies have values fixed for them by these numerous telegrams.

Mr. WILLIAM E. HULL. All they want on these flowage rights is an easement.

Mr. RAINEY. Yes.

Mr. WILLIAM E. HULL. And if a man refused to give that easement, they could flow the water over it anyway, could



they not, and then he would have to come to the court for damages?

Mr. RAINEY. I think, perhaps, with the collaboration of States a condemnation proceeding might be brought which might accomplish that.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. RAINEY. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

Mr. REID of Illinois. Mr. Chairman, pending that, I ask unanimous consent that debate upon the pending section and all amendments thereto close in 30 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAINEY. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes additional. Is there objection?

There was no objection.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. RAINEY. I yield.

Mr. COX. The estimate in relation to flood ways is substantially correct except as to the land included in the New Madrid set-back.

Mr. DRIVER. Mr. Chairman, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. DRIVER. I want to call attention to the fact that the highest estimate on the acreage of the flood ways in Louisiana and Arkansas is 2,150,000 acres, and that of New Madrid 170,000 acres, and not 3,000,000 or 4,000,000 acres.

Mr. RAINEY. Now I want to add just one contribution to the letters and telegrams that have gone into this record from timber-owning companies in these flood ways. The assertion was made that ex-Senator Lorimer, of Illinois, was interested in this proposition, that his company controlled a large amount of timberland in the Cypress Creek spillway, and that his company occupied offices in the same office building as that occupied by the Tensas Land Co., although the name of the building was not stated—the Illinois Merchants National Bank Building. It is true the offices of his company are located in that building. At least 5,000 people have offices in that building; perhaps as many as 10,000 people.

The officials of the Tensas Land Co. have stated that they have not even heard of Mr. Lorimer's company. It has been insisted that Mr. Lorimer's company will profit, and that is the reason for his concern or interest in this legislation.

I know what his concern and interest is. His interest in the problems of the Mississippi River was well understood in this body during the 14 years he has served here and during his entire career. He is here representing the Chicago Flood Control Conference. I have here a letter addressed to me, which I will put in the Record, in which he states that his company will give the flowage rights on his land. That ought to cover it. Mr. Chairman, I ask unanimous consent that the letter be read by the Clerk.

Mr. LaGUARDIA. Will the gentleman connect or couple the offer to give the flowage rights for the land with an acceptance of the offer right now?

Mr. RAINEY. Oh, yes. If you want to accept it and will introduce a germane amendment to that effect, I will favor it. I will vote for it.

Mr. Chairman, I ask that the letter be read in my time.

The CHAIRMAN. Without objection, the Clerk will read the letter.

The Clerk read a portion of the letter.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RAINEY. May I have one minute more in which to finish the reading of the letter?

The CHAIRMAN. Is there objection?

Mr. FREAR. I will have to object, unless I can answer it in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? Without objection, the Clerk will read.

There was no objection.

The Clerk continued to read the letter.

Mr. FREAR (interrupting the reading). Mr. Chairman, I make a point of order against it. I move that that be stricken from the Record.

The CHAIRMAN. The gentleman from Wisconsin makes a point of order against a certain portion of the letter. Has the gentleman any other motion to make?

Mr. FREAR. I move that it be stricken from the Record.

The CHAIRMAN. The entire letter?

Mr. FREAR. The entire letter.

Mr. RAINEY. Can the Chair give me an opportunity to be heard on the point of order?

The CHAIRMAN. It must be taken up in the House.

Mr. FREAR. Mr. Chairman, I ask that the words be taken down.

The CHAIRMAN. The gentleman from Wisconsin asks that the words be taken down. The words being written, the Clerk will report them.

The Clerk read the passage in the letter that was objected to.

Mr. RAINEY. Mr. Chairman, may I be heard?

The CHAIRMAN. There can be no business transacted until the committee rises and reports to the House.

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, having under consideration the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, and for other purposes, reported that by unanimous consent the reading clerk in the committee was proceeding to read a letter into the Record in the time of the gentleman from Illinois [Mr. RAINEY], whereupon the gentleman from Wisconsin [Mr. FREAR] made the point of order that the language in the letter was unparliamentary and demanded that the words be taken down, that the words were taken down, and were read by the Clerk.

The SPEAKER. The Clerk will report the words to which exception is made.

The Clerk read the words objected to.

Mr. FREAR. Mr. Speaker, the only reason I moved to strike this from the Record—and do so move—is because of other insinuations that occurred before, and I thought there should be an end to them. They have been continually followed in this letter. Of course, I knew nothing about the contents of the letter until it was read. I do not dispute the facts, but I move that the personal allusion to me in the letter be stricken from the Record.

Mr. RAINEY. Mr. Speaker, may I have that letter for a minute?

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Illinois?

Mr. FREAR. Surely.

Mr. RAINEY. Mr. Speaker, this letter contains merely statements of fact.

Mr. FREAR. It may be considered as containing statements of fact when it reflects upon me, as it does, but I do not concede that.

Mr. SCHAFER. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. SCHAFER. The gentleman from Illinois [Mr. RAINEY] is out of order. He stated that the letter contained nothing but statements of fact when it reflects upon the gentleman from Wisconsin [Mr. FREAR]. Therefore, the gentleman is out of order, as his language is unparliamentary.

Mr. LaGUARDIA. Mr. Speaker, I make the point of order that under the rules of the House, when a point of order is made that unparliamentary language has been used and a request is made for the words to be taken down and the matter referred to the House, the offending Member must take his seat and remain seated until the matter is disposed of.

The SPEAKER. The gentleman from Wisconsin has made a motion. He is entitled to an hour and has yielded to the gentleman from Illinois.

Mr. RAINEY. And the gentleman from Illinois is proceeding to occupy as much time as he may need.

Mr. FREAR. I refuse to yield further if that be the attitude of the gentleman from Illinois.

Mr. RAINEY. Mr. Speaker, I have the floor.

The SPEAKER. No. The gentleman from Wisconsin has been recognized by the Chair to offer a motion to strike a letter from the Record. The gentleman from Wisconsin has the floor for one hour.

Mr. RAINEY. And has yielded to me.

Mr. FREAR. I refuse to yield further.

The SPEAKER. The gentleman from Wisconsin is within his rights. The gentleman must take his seat. The gentleman from Wisconsin is recognized.

Mr. FREAR. Mr. Speaker, I do not know what the latitude may be in discussing this question. I will say to my distinguished friend from Illinois [Mr. RAINEY] that he and I rarely find any serious question of difference, but I do wish to make this brief statement to the House in reference to Mr. Lorimer and I make it without any exaggeration. I feel the House is entitled to the facts at this time. From the day that we had our first hearing the ex-Senator from Illinois Mr.

Lorimer, has been in constant attendance in our committee, up to and including Saturday last, when he came out—

Mr. BANKHEAD (interposing). Mr. Speaker, I raise a point of order. The gentleman from Wisconsin who now occupies the floor has taken exception to certain language quoted from a letter which was being read from the Clerk's desk. The gentleman, under the rules, is entitled to discuss that offensive language, and explain to the House wherein the language in itself is offensive, but I say that under the rules he is not entitled to go into various statements of fact involved in this whole controversy with Mr. Lorimer. I make the point of order that he should be confined in his remarks to an explanation or a statement with reference to the offensive language.

Mr. FREAR. I am endeavoring to keep within the rules, Mr. Speaker.

The SPEAKER. The Chair thinks the gentleman should proceed to discuss his motion, which is to strike out certain language that is offensive to him.

Mr. FREAR. I wanted to give the basis for it. I have made no statement in regard to Mr. Lorimer, such as he suggests. It was reported to me that he had an office in the same building, in Chicago, that he had lumber interests, as we knew, small though they may be, that this other company had offices in the same building, with 226,000 acres, and he had been in such constant attendance that I had a right, I felt, to make the statement that they were there together.

I did not make any statement beyond that. Although he has been in constant attendance here, I have never charged him with doing anything unfair or dishonest whatever the facts or anything of that kind, but he does make a charge about me, as he says, if I can understand it. I am frank to say that I concede he is a very clever, very shrewd man, the way he has phrased his letter, and I contend it is an unfair insinuation against me. I have tried to conduct this whole flood-control matter fairly with the House and with every Member of it, and this man has sat here in the House on the floor every day, a very unusual proceeding.

Mr. RAMSEYER. Will the gentleman yield?

Mr. FREAR. Yes.

Mr. RAMSEYER. The motion the gentleman has made, as I understood it, goes to the striking of the entire letter from the Record?

The words that were taken down in committee constituted the language to which the gentleman objected as being offensive. Why would it not be better to limit the motion to the offensive language?

Mr. FREAR. The gentleman was not listening to the other part of the letter which I passed over and was perfectly willing to let go by until a later and renewed reflection was made upon me, and I felt that the entire letter ought to be stricken from the Record for the same reason I would vote in the case of any Member of this House if anyone on the outside wrote such a letter about him.

Mr. RAMSEYER. The gentleman does not claim that the entire letter—

Mr. FREAR. Not so far as the facts are concerned, but so far as the personal allusions are concerned.

Mr. RAMSEYER. The gentleman does not claim that the entire letter tends to reflect on him?

Mr. FREAR. Not the entire letter, but the insinuations throughout the letter where he mentions my name.

Mr. BANKHEAD. Will the gentleman from Wisconsin yield?

Mr. FREAR. Certainly.

Mr. BANKHEAD. Did not the gentleman confine his objection to the language which he requested to be taken down and which was read from the Clerk's desk?

Mr. FREAR. No; I said—

Mr. BANKHEAD. Under the rule that is all the gentleman had the right to except to.

Mr. FREAR. The gentleman from Alabama can discuss that later, but the gentleman asked me what I did. In view of the preceding language which led up to this statement, and in view of the constant reiteration regarding myself, I asked that the letter be stricken from the Record. If I am not entitled to do that—

Mr. O'CONNOR of New York. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Does the gentleman from Wisconsin yield for a parliamentary inquiry?

Mr. FREAR. No; not until I have made my statement.

As I have said, based upon that, I made a motion that the letter be stricken from the Record. If I am not entitled to make that motion, that is a matter that is subject to a point of order.

Mr. O'CONNOR of New York. Will the gentleman yield for a parliamentary inquiry?

Mr. FREAR. I yield. Is the gentleman addressing me or the Speaker?

Mr. O'CONNOR of New York. I wish to submit a parliamentary inquiry to the Speaker.

The SPEAKER. The gentleman will state his point of order.

Mr. O'CONNOR of New York. Do I understand that the motion before the House is to strike the entire letter or is the motion confined to the taking down of certain words which were read by the Clerk?

The SPEAKER. The motion of the gentleman from Wisconsin, as the Chair understood, was to strike the entire letter from the Record.

Mr. O'CONNOR of New York. Mr. Speaker, I do not believe the record before the House would justify that view because I never heard a motion to strike the entire letter from the Record. The words were taken down in the committee and reported back to the House, and I understood that was the only motion made.

The SPEAKER. The Chair thinks under the circumstances the gentleman from Wisconsin has the right to make the motion. The Chair has since read the letter and there are a number of sentences in it which convey—well, a rather unpleasant attitude.

Mr. FREAR. Mr. Speaker, it is discursive and abusive.

The SPEAKER (continuing). And the Chair thinks it is for the House to decide whether to support the motion of the gentleman from Wisconsin or not. The Chair thinks the motion is in order, and the House will be called upon to vote whether or not to strike the entire letter from the Record.

Mr. LAGUARDIA. Will the gentleman from Wisconsin yield?

Mr. FREAR. I yield to the gentleman from New York.

Mr. LAGUARDIA. Will the gentleman kindly inform the House why it is that in a bill of such national importance this man Lorimer, a former Representative—I refuse to call him Senator—why former Representative Lorimer is so prominent in this measure? Can the gentleman give us that information?

Mr. FREAR. That relates to a fact; and, of course, I am not supposed to dwell on facts here, I am simply expected to speak for myself, I suppose.

Mr. REID of Illinois. Will the gentleman yield so that I may submit a parliamentary inquiry?

Mr. FREAR. I yield to the chairman of the committee.

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Illinois?

Mr. FREAR. I yield to the gentleman from Illinois.

Mr. REID of Illinois. I want to make a point of order, Mr. Speaker, in the time yielded to me. The committee rose for the purpose of acting upon certain objectionable words that were taken down. After this was done we came into the House and find an entirely different situation, because a motion is now being made to strike the entire letter from the Record, which is a different purpose from the one which the committee had in mind when it rose. I want to object to any further proceedings other than those for which the committee rose and ask the regular order.

Mr. LEHLBACH. Mr. Speaker, may I address myself to the point of order made by the gentleman from Illinois?

The SPEAKER. Yes; the Chair will be pleased to hear the gentleman.

Mr. LEHLBACH. The Chairman of the Committee of the Whole House on the state of the Union reported that a letter was being read to the committee at the instance of the gentleman from Illinois [Mr. RAINEY]; that a point of order was made that the letter contained objectionable language, and that language was taken down and reported to the committee and reported to the House. Now, it is thoroughly competent for the House, in its discretion, to strike the letter carrying the offensive language from the Record.

The SPEAKER. The Chair thinks so.

Mr. REID of Illinois. The point of order I make is that that is not the purpose for which the committee rose.

Mr. LEHLBACH. But the House can do as it pleases about that.

The SPEAKER. The Chair just a moment ago gave it as his opinion that it is for the House itself to decide whether to strike the letter from the Record or not. The gentleman from Wisconsin, the Chair thinks, is proceeding in order.

Mr. FREAR. Now, let me take a moment to finish my statement.

The letter as read contained reflections upon me. The gentleman from Georgia [Mr. CRISP] is very fair generally, and if the statement had been made about the gentleman from Georgia [Mr. CRISP], I would have immediately resented it. I passed the matter over for the first two or three insinuations and then when I saw the whole letter was of that character—and I am very sorry the gentleman from Illinois [Mr. RAINEY] insisted on reading it here—I then objected and asked that the whole



letter be stricken from the *RECORD*, not because of these words alone but because of the words that preceded as well.

Mr. CRISP. Will the gentleman from Wisconsin yield to me for a parliamentary inquiry?

Mr. FREAR. I yield to the gentleman from Georgia.

Mr. CRISP. Mr. Speaker, the gentleman has yielded to me for a parliamentary inquiry of the Chair. I do not care to express any opinion as to this immediate controversy, but I do want to call the Chair's attention to this matter as a precedent and to address a parliamentary inquiry to the Chair after the Chair has thought about the matter a moment.

This whole matter comes before the Chair by reason of the fact that the committee automatically rises to report to the Chair that during the debate unparliamentary words were read. The committee did not rise on motion. The committee rose automatically to report to the Speaker that there had been a violation of the rules as to the decorum of debate.

Now, Mr. Speaker, it seems to me under those conditions the first thing the Speaker must decide is whether or not the words are unparliamentary. If they are, then I grant you that it is in order for the House to take such action as it sees fit to purge the *RECORD*.

But, Mr. Speaker, think of this: The Committee of the Whole is considering a very important piece of legislation—the flood control bill. Some Member calls another to order for words spoken in debate that are claimed to be unparliamentary. The committee does not rise on a motion, but rises automatically to report to the Speaker. The Speaker has not passed on whether those words are a breach of the rules of debate. What is the practical effect of it? Any gentleman can, by calling another to order, get the committee to rise, get recognition for an hour and discuss a matter that may be perfectly foreign to the bill the committee was considering.

Therefore it seems to me that before this matter can come up the Speaker must decide whether, in his judgment, there has been a breach of the rules in debate. If so, the gentleman is entitled to recognition, and the House can take such action as it sees fit.

Mr. DENISON. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. DENISON. Does not the gentleman think that in this kind of a case the only question before the House as distinguished from the committee is on the words that were taken down?

Mr. CRISP. Unquestionably, the Speaker is not supposed to know what transpired in committee. When the committee rises automatically the Chairman of the Committee of the Whole House on the state of the Union informs the Speaker what has transpired, and then if the Speaker rules that the words were parliamentary the committee would automatically go back into Committee of the Whole House on the state of the Union and consider the bill they were considering when it rose. If the Speaker decides that the words were unparliamentary it is up to the House to take such action as it sees fit.

Mr. RAINEY. Mr. Speaker—

Mr. SCHAFER. Mr. Speaker, I make the point of order that the gentleman from Illinois is out of order.

The SPEAKER. The gentleman is out of order unless the gentleman from Wisconsin yields to him.

Mr. FREAR. I wish to make a statement and do not yield.

The SPEAKER. The Chair is clear in his own mind as to what the situation is. The Chair could not be imputed with ignorance, because the Chair was present and heard the words uttered, and the fact that the Chair recognized the gentleman from Wisconsin carries with it the necessary implication that he regarded the words as not parliamentary. The gentleman from Georgia is right, that the Chair must decide in the first place whether the words taken down are unparliamentary or not. The Chair did not announce in so many words, but the fact that he recognized the gentleman from Wisconsin implied that he regarded the words of an unparliamentary nature and allowed the gentleman to move that they be stricken from the *RECORD*.

Mr. FREAR. Mr. Speaker, let me say in answer to the gentleman from Georgia that statements were made in the letter that were clearly objectionable but I let them go by expecting there would be an end of it, and then the final objectionable remark came and I made the motion. Suppose the letter, in addition to what it did say—suppose it contained more and more of the same character. Am I obliged in each case to ask that the words be taken down and have the committee refer the matter each time to the House? To avoid that situation I took what I supposed was the proper course and moved that it be stricken from the *RECORD*. The fact is the Speaker had access to it and knows what it contains.

Mr. GARRETT of Tennessee. Will the gentleman yield to me?

Mr. FREAR. Certainly.

Mr. GARRETT of Tennessee. If the gentleman will yield, I think the matter can be settled in a moment if he will yield to the gentleman from Illinois [Mr. RAINEY].

Mr. FREAR. I will yield.

Mr. RAINEY. Mr. Speaker, I will say that I am sorry that the gentleman from Wisconsin was offended by any statement in the letter. I will simply read that part in which Mr. Lorimer proposes to give the right of way over his land.

Mr. FREAR. Let me supplement that statement by saying that in our Flood Control Committee some such remark was made by Mr. Lorimer—there is no question about that.

Mr. RAINEY. Mr. Speaker, I ask unanimous consent to withdraw the letter.

The SPEAKER. The gentleman from Illinois asks unanimous consent to withdraw the letter. Is there objection?

There was no objection.

Mr. FREAR. Mr. Speaker, I withdraw my motion.

The SPEAKER. The committee will resume its session.

The committee resumed its session.

The CHAIRMAN. The House is again in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 3740, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. SCHAFER. Mr. Chairman, I move to strike out the last two words.

Mr. RANKIN. Mr. Chairman, a parliamentary inquiry. The gentleman from Illinois [Mr. RAINEY] had the floor when the committee rose.

The CHAIRMAN. The gentleman's time had expired and he asked unanimous consent for sufficient time in which to read the letter. The letter having been withdrawn, the time has expired. The gentleman from Wisconsin is recognized.

Mr. SCHAFER. Mr. Chairman, I shall not take up much of the time of the House at this time, but merely want to reply in part to the statements made by the gentleman from Illinois [Mr. RAINEY]. He was proceeding under debate and called to the attention of the committee that these great lumber companies had sent telegrams offering their property for spillways at sums of from \$5 to \$10 per acre, and that the offer included the minerals and the timber. In order to keep the *RECORD* straight I asked him to yield and he did yield. I called his attention to the true facts in the matter, that these offers of the lumber companies of \$5 and \$10 an acre did not include the mineral rights or the timber. He then told the House that the timber and the mineral rights did not mean anything. Of course, the great natural resources of this Nation may not mean anything to distinguished Democrats, such as Mr. Doheny, who believed the Government had no interest in the oil resources of the country. Perhaps the timber and mineral resources, including coal, do not mean anything to the distinguished gentleman from Illinois [Mr. RAINEY], but they do mean something to me and the American people. In view of the fact that he inferred that I did not understand anything about this flood control bill, I rose for these two minutes to keep the *RECORD* straight. The *RECORD* clearly shows that it was necessary to correct the gentlemen from Illinois in order to keep before us the true facts concerning the telegrams of the great land and lumber companies. [Applause.]

Mr. LA GUARDIA. Mr. Chairman, I offer the following amendment to the amendment of the gentleman from Wisconsin, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. LA GUARDIA to the amendment offered by Mr. FREAR: Page 3, beginning with line 16, strike out all of section 2 down to and including the word "interest" in line 23.

Mr. LA GUARDIA. Mr. Chairman, this would strike out the entire section 2. I think it is apparent to the House that no matter how careful we may be in following the rules of the House, no matter how parliamentary we may be in the choice of the language used in discussing this bill, the American people will know that certain people with an unsavory political past are vitally interested in the land features of this bill. The more we discuss it, the more we go into it, the more the fact will come out that the one proposition on which we are divided is the matter of this land and the machinery whereby the Government will acquire it and have to pay excessive and exorbitant prices for the land. The gentleman from Illinois [Mr. RAINEY], who is always lucid and clear, I can not understand on this occasion. He first takes the floor and points out that there are no lumber companies interested, and then he proceeds to tell that we received telegrams from lumber com-

panies. The gentleman from Louisiana [Mr. WILSON] points out that the land in the lower part of the valley is worth only \$5 to \$7.50 an acre, and when he is pressed by some of his colleagues he says in another part of his statement that most of the land is highly cultivated.

Mr. WILSON of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. WILSON of Louisiana. I did not make the statement. I simply placed in the RECORD the telegrams from the various companies, the people whose names have been connected with the RECORD and who it was publicly stated were expecting \$75 an acre for their land, to show exactly what they asked.

Mr. LA GUARDIA. But the gentleman said that 60 per cent of the land was under cultivation.

Mr. WILSON of Louisiana. I said that in the Boeuf spillway 60 per cent of the land is under cultivation.

Mr. LA GUARDIA. What is that land worth?

Mr. WILSON of Louisiana. No statement has been put into the RECORD as to its value. The question was asked about its assessed value, and I stated that the engineering commission examining it said that the average value of the land in these flood ways was \$23 an acre.

Mr. LA GUARDIA. Assessed value?

Mr. WILSON of Louisiana. Actual value. I do not know what the flowage rights would be, but the evidence I put in as to the value of this property was direct from the people who own the property as to what they would take.

Mr. LA GUARDIA. Exactly; and do not you see that by adopting the program such as is contemplated in this bill, with 4,000,000 acres of land to be taken, if necessary, for flood ways and spillways, that we have not even passed the bill before the value of the land has jumped from \$5 and \$10 an acre to \$23 and then to \$50 and \$75 an acre? There are some gentlemen right now in the gallery waiting for a rise in value.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. COX. Do I understand that the gentleman is contending that if the Government acquires an interest in this land it will have to take it at the exaggerated value placed upon anticipated improvements?

Mr. LA GUARDIA. Oh, no; awards would be made under condemnation.

Mr. COX. I would like to make this statement—

Mr. LA GUARDIA. I can not yield. I am familiar with the law on the question.

Mr. COX. If the gentleman is familiar with the law, what is it?

Mr. LA GUARDIA. It has to go to condemnation and an award must be made; but let me say to the gentleman that in fixing the award it is necessary to take into consideration the assessed value, the market value, the return on the land, the future prospective profits of the land, which, I fear, will take in contemplation the very proposed improvements we here provide.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. COX. Mr. Chairman, I ask unanimous consent to proceed for one minute.

The CHAIRMAN. The time for debate upon this section and all amendments thereto has been fixed by the committee.

Mr. COX. Mr. Chairman, I ask for recognition on the amendment.

Mr. FREAR rose.

The CHAIRMAN. The gentleman from Georgia is recognized.

Mr. FREAR. Mr. Chairman, I have been asking for recognition for some time.

The CHAIRMAN. The Chair is endeavoring to divide the time equally and alternately between the two sides. The gentleman from Georgia is recognized.

Mr. COX. Mr. Chairman, I want to answer the argument that the gentleman from New York [Mr. LA GUARDIA] has just made. It is a repetition of an argument made by other Members of the House during this debate. The argument is, if this bill passes with a provision that the Federal Government shall acquire an interest in lands necessary for rights of way, it will have to take it at a valuation based upon an anticipated public improvement.

I want to say, and particularly for the benefit of the gentleman who has just addressed the House, and who knows the law, that the Supreme Court of the United States in the case of the United States v. The Chandler-Dunbar Co. (229 U. S. 55), made this holding:

One whose property is taken by the Government for improvement of navigation of the river on which it borders is not entitled to the probably advanced value by reason of the contemplated improvement. The value is to be fixed as of the date of the proceedings.

[Applause.]

Mr. FREAR. Mr. Chairman, speaking to the amendment offered by the gentleman from New York [Mr. LA GUARDIA]—he amended the amendment I offered by striking out the section—he calls attention to the fact that my statements were criticized by the gentleman from Illinois [Mr. RAINEY] as to values of land in the flood ways, and by the gentleman from Louisiana [Mr. WILSON] as to the value of land in Louisiana. Now, I have stated what the engineers gave to me as their estimates of values. The gentleman from Louisiana very carefully does not mention the New Madrid flood way, on which the testimony was \$75 an acre for cut-over lands. He does not mention the fact that in that proposal it was estimated as high as \$150 an acre, nor does he consider, so far as I can ascertain, that a gentleman named Mr. Blake, who was chairman of the flood commissioners, representing Mississippi, Louisiana, Arkansas, and Alabama, estimated that 6,000,000 acres in the different flood ways would cost the Government \$600,000,000. Certainly Blake should know. He was aware of all the facts in his estimate. The gentleman from Louisiana is too intelligent not to know that it is far beyond \$5 and \$10 on the average, and the House is entitled to the information. We do not know. We have not had a survey. Every time we have attempted to get that information we have been referred to the testimony. There were 40 land and lumber corporations whose names I put in the RECORD, land and lumber companies that had large holdings down there in these flood ways. There were over 400 corporations and as many large individual holdings that ran over 3,000,000 acres; 77 per cent belonged to these interests. It is idle to say we do not know anything about it, and that two or three telegrams from Louisiana have been received stating the cost on several parcels would be \$5 and \$10 an acre. That is not right of the gentleman from Louisiana, a member of the committee, to offer such telegrams in view of the facts you have.

We made a fair statement here and gave the values as shown by the Army engineers and by Mr. Blake. I do not agree with him in \$100 an acre, or with the statement of the gentleman from Louisiana that only \$23 would be the cost, because that was the assessed value of certain lands. We know that valuation will be doubled if you try to get the land. It seems too late to-day to discuss the values of land. The values have been put in the RECORD. There are 4,000,000 acres concerning which you do not know any more than I do, but these lands have been valued by the engineers at anywhere from \$50 to \$75 an acre.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes; I will yield to a question, but not to read any statement.

Mr. COX. I want to call attention to the figures given by Mr. Blake, who put the value of \$224 on 2,000,000 acres and a value of \$50 on the remainder.

Mr. FREAR. He represents Arkansas, Mississippi, Louisiana, and other States affected down there. That is his testimony. He is chairman of their flood commission and I think his judgment ought to have some value at this time. I am not questioning it.

Mr. WILSON of Louisiana. I will say that the gentleman referred to, Mr. Blake, does not represent Louisiana and Mississippi.

Mr. RAINEY rose.

The CHAIRMAN. The gentleman from Illinois has already been recognized. The Chair will not recognize him again until he seeks recognition under a new section.

Mr. BLACK of New York rose.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. BLACK of New York. Mr. Chairman, it is unfortunate that this bill, which is intended to provide for a great piece of constructive work for this country, should for the time being be imperiled by being connected with the name of a man who left here under unpleasant circumstances. It is unfortunate, I say, that his name should be connected with this proposition. It seems to me the House is capable of perfecting this bill by legitimate amendments to section 4, to provide that there shall not be extortionate values charged in these condemnation proceedings.

There is no reason why this, of all bills, should become a vehicle of fraud. This House has intelligence sufficient to perfect the bill. We have had under consideration similar bills from time to time and have been able under similar circum-



stances to protect the Government. There have been times, I admit, when some have succeeded in defrauding the Government; and the cases of Fall and Sinclair as well as Doheny have shown that it is necessary to provide safeguards for the protection of the Government.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. LA GUARDIA].

The question was taken; and on a division (demanded by Mr. LA GUARDIA) there were—ayes 37, noes 110.

So the amendment was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Wisconsin.

Mr. FREAR. That takes out the latter part of the section. Mr. Chairman, may we have the amendment again reported?

Mr. REID of Illinois. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The regular order is on agreeing to the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 3. Except when authorized by the Secretary of War upon the recommendation of the Chief of Engineers, no money appropriated under authority of this act shall be expended on the construction of any item of the project until local interests have given assurances satisfactory to the Secretary of War that they will (a) maintain all flood-control works after their completion, except controlling and regulating spillway structures, including special relief levees; maintenance includes normally such matters as cutting grass, removal of weeds, local drainage, and minor repairs of main-river levees; (b) agree to accept land turned over to them under the provisions of section 4.

With the following committee amendment:

In line 21, after the word "accept," insert the words "the title to."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I offer an amendment.

Mr. REID of Illinois. Mr. Chairman, I have sent three amendments to the desk.

The CHAIRMAN. There are three amendments which will be disposed of, amendments which have been heretofore submitted and which the Clerk will report.

The Clerk read as follows:

Page 4, line 15, strike out the words "local interests" and insert in lieu thereof the words "the States or levee districts."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 4, line 22, after the figure "4," change the period to a semicolon and insert the following as subparagraph (c):

"(c) Provide without cost to the United States all rights of way for levee foundations and levees on the main stem of the Mississippi River between Girardeau, Miss., and the Head of Passes."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 4, line 22, after subparagraph (c), already adopted, add a new paragraph at the end of the section, as follows:

"No liability of any kind shall attach to or rest upon the United States for any damage from or by floods or flood waters at any place."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MADDEN. Mr. Chairman, I do not think this ought to be in this section of the bill. I do not think it should be attached to this section of the bill.

Mr. FREAR. This has been agreed on.

Mr. MADDEN. We agreed to it, but I do not think it should be made a part of this section.

Mr. GARRETT of Tennessee. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment to the amendment offered by the gentleman from Illinois, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARRETT of Tennessee to the amendment offered by the gentleman from Illinois [Mr. REID]: At the end of the amendment insert: "Provided, however, That if in carrying out the purposes of this act it shall be found that upon any stretch of the

banks of the Mississippi River it is impracticable to construct works for the protection of adjacent lands, and that such adjacent lands will be subject to damage by the execution of the general flood-control plan, it shall be the duty of the board herein provided to cause to be acquired on behalf of the United States Government either the absolute ownership of the lands so subjected to overflow or floodage rights over such lands."

Mr. GARRETT of Tennessee. Mr. Chairman, I am inclined to agree with the gentleman from Illinois [Mr. MADDEN] that the amendment which the gentleman from Illinois [Mr. REID] has proposed more properly would come in another section, but if it is to come now it seems to me that my amendment will have to come in connection with it at this place. I do not want to lose any rights in connection with it.

Mr. MADDEN. If the gentleman will yield, I am in favor of the amendment offered by my colleague, but I propose to strike out section 3 and offer a substitute to section 3, and I do not want to strike out that part of it.

Mr. REID of Illinois. That is the reason we had better get it in.

Mr. MADDEN. No. I will move to strike it out, anyway, if the gentleman wants to do it that way. I do not think it is fair; that is all. I think an amendment should be considered on its merits without any attempt to foreclose the right to have proper consideration of it. It does not matter how much power anybody has, it is just as well to exercise it with justice; and it does not make any difference how many votes you may have on a given proposition, it is well to exercise proper respect for the facts in the case.

Mr. REID of Illinois. Will the gentleman from Illinois yield?

Mr. MADDEN. Yes.

Mr. REID of Illinois. This was submitted at this place by the gentleman's conferees and we put it in at the gentleman's request.

Mr. MADDEN. The gentleman put it in, but it was not put in here at our request.

Mr. REID of Illinois. Yes; the gentleman ought to organize his conferees and know what he wants.

Mr. MADDEN. Now, I do not want to take up the time of the gentleman from Tennessee, but if we are going to consider the amendment which I have offered, and which has been pending, and which was pending before my colleague offered his amendment, we ought to do it before the gentleman's amendment comes along, because then it may be said that I have slept on my rights in offering this amendment here and that I no longer have any right to offer the amendment.

I want to move to strike out section 3, but I do not want to offer to strike out that part of the section, if the amendment is adopted, that the gentleman has just introduced but which has not been acted upon.

Mr. REID of Illinois. The gentleman can include it in his substitute.

The CHAIRMAN. The gentleman from Illinois can offer his amendment in that form.

Mr. MADDEN. Mr. Chairman, I would like to have my amendment read for information now, if I may.

The CHAIRMAN. Without objection, the Clerk will report for the information of the committee the amendment of the gentleman from Illinois.

The Clerk read as follows:

Amendment proposed by Mr. MADDEN: Strike out section 3 and substitute the following:

"SEC. 3. Except when authorized by the Secretary of War, upon the recommendation of the Chief of Engineers, no money appropriated under authority of this act shall be expended on the construction of any item of the project until the States or local interests to be benefited and protected have indicated their desire for Federal assistance by giving assurances satisfactory to the Secretary of War that they will, (a) maintain all flood-control works after their completion, except controlling and regulating spillway structures, including special relief levees; (b) provide without cost to the United States such drainage work as may be necessary and the rights of way for the levees and other structures as and when the same are required. Work on the so-called Bonnet Carre spillway will be undertaken when the city of New Orleans, in recognition of its paramount interest therein, shall have undertaken to hold and save the United States from all damage claims arising out of the construction of the spillway. Work on the so-called New Madrid flood way will be undertaken when interests in southern Illinois and southeastern Missouri, in recognition of their paramount interest therein, shall jointly or severally have entered into a similar undertaking."

Mr. MADDEN. The question is whether this would come before the other amendments that are pending or before the amendment of the gentleman from Tennessee.

The CHAIRMAN. Perfecting amendments are to be disposed of before the amendment involving the striking out of the section is voted on. The question is on the amendment offered by the gentleman from Illinois, the chairman of the committee.

Mr. GARRETT of Tennessee. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Tennessee desire recognition on his amendment?

Mr. GARRETT of Tennessee. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. GARRETT of Tennessee. Mr. Chairman, the situation which exists in Tennessee, I think, has come to be very, very well known to the membership of the House. Bear in mind that the Congress is officially adopting the Jadwin plan so far as the engineering part of that plan is concerned, plus a further consideration of the Mississippi River Commission's plan, with a view to combining the best parts of the two. Neither of these plans in any way promises anything to any part of Tennessee except injury. The only way I can see to meet the situation is in the way I am proposing here and in the language that is offered.

I appreciate, of course, the tremendousness of this problem, but I am sure every Member of the House who understands the situation realizes that we of Tennessee are not here as mendicants in this matter; we are simply here asking to be protected in our rights, and asking that our equities may be respected and worked out.

I very much hope, Mr. Chairman, the amendment may prevail.

Mr. COX. Mr. Chairman, I ask recognition on this amendment.

Mr. Chairman, if I understand the amendment offered by the gentleman from Tennessee, it is simply to take care of a limited territory here and there which is subjected to overflow as a result of the execution of this project; that is, subjecting lands to overflow as a result of the execution of these plans, which have not heretofore been overflowed by the flood waters of the river.

I have in mind, gentlemen—and I beg your attention to this statement—areas along the main river which will be damaged, in all probability, as a result of the execution of the plans, unless some work or works be constructed for the purpose of holding off flood waters. These are certain lands in the State of Tennessee which are limited in area, and lands in Kentucky, particularly the town of Hickman, which will be overflowed and damaged as a direct consequence of the proposed improvement. These areas and others similarly situated along the river should be protected.

Let me say, my colleagues, this amendment is not proposed for the purpose of obligating the Government to make good all damages that may result because of the execution of this project. The statement has been made by Members opposing the bill that they are not opposed to the Government paying or compensating for any land that is taken or that is damaged as a result of the execution of the project, which land would be immune from damage if the work proposed was not done. My friend, the gentleman from New York [Mr. LA GUARDIA], made the statement this morning, in effect, that he was willing that the Government be committed to the proposition of paying the damage that the Government might cause, and this amendment is to put the Government in the position where this can be done, so far as property along the main river is concerned.

Mr. LA GUARDIA. Will the gentleman yield?

Mr. COX. I will.

Mr. LA GUARDIA. Will the gentleman's amendment take care of the actual damage sustained or the prospective damages that might be sustained?

Mr. COX. No; the actual damage. The effect of the amendment is this, that where, in the execution of the Jadwin plan for flood control an area is endangered as the result of the work which it is impracticable to protect by any sort of flood-protective works the Government shall acquire either the absolute title to the land or flooded rights therein.

Mr. WHITTINGTON. Will the gentleman yield?

Mr. COX. Certainly.

Mr. WHITTINGTON. I would like to ask the gentleman from Georgia about what area the Government would have to acquire for flood rights?

Mr. COX. I am not in a position to state to the gentleman what the area in Tennessee might be.

Mr. WHITTINGTON. And elsewhere?

Mr. COX. This would not apply to any territory except that on the main stem of the stream.

Mr. GARRETT of Tennessee. It would apply to Tennessee and the Mississippi situation.

Mr. COX. Yes; and elsewhere along the Mississippi River proper.

Mr. REID of Illinois. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and section close in 15 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all debate on the section and amendments close in 15 minutes.

Mr. O'CONNOR of Louisiana. I suggest to the gentleman that he make it 30 minutes.

Mr. REID of Illinois. I will make it 20 minutes.

Mr. LA GUARDIA. Will the gentleman make it apply to the pending amendment only? I have an amendment that I would like to get five minutes on, although I have a suspicion of what is going to happen.

Mr. O'CONNOR of Louisiana. Reserving the right to object, I want to ask the chairman of the committee if that would give any time to my colleague Mr. SPEARING and myself?

Mr. REID of Illinois. I do not know.

Mr. O'CONNOR of Louisiana. Then I object. Members who do not live in this flooded locality can get an hour or an hour and a half, but Members who live in the territory affected, in the valley of the Mississippi River, can not get five minutes; it is ridiculous.

Mr. REID of Illinois. Mr. Chairman, I move that all debate on this section and all amendments thereto close in 30 minutes.

Mr. DENISON. A parliamentary inquiry, Mr. Chairman. Does that apply to amendments that are not yet offered?

The CHAIRMAN. It applies to the section and all amendments.

Mr. WINGO. Mr. Chairman, I offer an amendment to the amendment of the gentleman from Illinois, that all debate on this section and amendments thereto close in 10 minutes.

Mr. SPEARING. And I offer an amendment to the amendment striking out 10 minutes and making it 1 hour.

The CHAIRMAN. That amendment is an amendment to an amendment to an amendment, and therefore not in order. The question is on the amendment offered by the gentleman from Arkansas to the amendment offered by the gentleman from Illinois [Mr. REID.]

The question was taken; and on a division, there were 35 ayes and 87 noes.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment of the gentleman from Illinois to close debate on the section and all amendments thereto in 30 minutes.

The question was taken, and the amendment was rejected.

Mr. MADDEN. Mr. Chairman, I rise to discuss the amendment I have offered.

The CHAIRMAN. The amendment pending should be disposed of before further amendments are offered. The question is on the amendment offered by the gentleman from Tennessee [Mr. GARRETT] to the amendment offered by the gentleman from Illinois, chairman of the committee.

The question was taken; and on a division (demanded by Mr. GARRETT of Tennessee) there were 111 ayes and 79 noes.

So the amendment of Mr. GARRETT of Tennessee to the amendment was agreed to.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Illinois as amended by the amendment of the gentleman from Tennessee.

The question was taken, and the amendment as amended was agreed to.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] offers an amendment, which the Clerk will again report. The Clerk read as follows:

Amendment by Mr. MADDEN: Strike out section 3 and substitute the following:

"Sec. 3. Except when authorized by the Secretary of War upon the recommendation of the Chief of Engineers, no money appropriated under the authority of this act shall be expended on the construction of any item of the project until the States or local interests to be benefited and protected have indicated their desire for Federal assistance by giving assurances satisfactory to the Secretary of War that they will (a) maintain all flood-control works after their completion, except controlling and regulating spillway structures, including special relief levees, (b) provide without cost to the United States such drainage works as may be necessary, and the rights of way for all levees and other structures as and when the structures are required. Work on the so-called Bonnet Carre spillway will be undertaken when the city of New Orleans, in recognition of its paramount interest therein, shall have undertaken to hold and save the United States from damage claims arising out of the construction of the spillway. Work on the so-called New Madrid flood way will be undertaken when interests in southern Illinois and southeast Missouri, in recognition of their para-



mount interest therein, shall, jointly or severally, have entered into a similar undertaking. No liability of any kind shall attach to or rest upon the United States for any damages from or by floods or flood waters at any place.

Mr. GARRETT of Tennessee. Mr. Chairman, I reserve the point of order for the time being. The point of order is that you can not strike out what the committee has just voted in. I ask the gentleman from Illinois [Mr. MADDEN] if he is not willing to attach the amendment which I offered along with the Reid amendment, which he has attached to his amendment.

Mr. MADDEN. Yes; I will put that in.

Mr. GARRETT of Tennessee. Then, Mr. Chairman, it is not necessary, if we have that distinct understanding, for me to insist upon the point of order. I would like the amendment to be reported as it will read. That is, the latter part of it.

Mr. GARNER of Texas. Have the substitute reported as it will read finally.

Mr. QUIN. I think it is a good idea to let it be corrected before the gentleman from Illinois [Mr. MADDEN] starts his argument, and have it read into the Record.

Mr. MADDEN. I am perfectly happy to have that done.

Mr. QUIN. We do not want to lose this amendment. It is vital to us.

The CHAIRMAN. The Chair desires to propound an inquiry to the gentleman from Illinois. Does the gentleman from Illinois desire to ask unanimous consent to append the Reid amendment as amended by the gentleman from Tennessee to his pending amendment?

Mr. MADDEN. I am willing to do that. That is the only way that I can get my amendment before the House.

Mr. TILSON. The gentleman means only the Garrett amendment.

Mr. MADDEN. Yes.

Mr. GARRETT of Tennessee. The Reid amendment as amended by the Garrett amendment.

Mr. MADDEN. The Reid amendment is a part of my proposed amendment now.

Mr. GARRETT of Tennessee. The gentleman from Illinois has included as a part of his amendment the amendment that is offered by the gentleman from Illinois, which was adopted by the committee, but there was also adopted by the committee an amendment to that amendment offered by myself, and I understand now that the gentleman from Illinois is willing to include both of them.

Mr. MADDEN. Yes—not that I am for the amendment of the gentleman from Tennessee—but because I am in a sense forced to do that.

The CHAIRMAN. The Clerk will again report the amendment as modified by the unanimous-consent request of the gentleman from Illinois.

Mr. REID of Illinois. Mr. Chairman, so that no rights may be lost, I reserve the point of order as to the amendment.

The CHAIRMAN. The Chair is ready to dispose of any point of order that may be made, overruling the point of order. It is quite in order to strike out a section that has been amended and insert new language.

Mr. GARRETT of Tennessee. Mr. Chairman, if the gentleman from Illinois will yield, there is some confusion as to the parliamentary situation. In order that it may be perfectly clear, although the gentleman from Illinois is putting in the amendment offered by myself—

Mr. MADDEN. I am not going to argue against it.

Mr. GARRETT of Tennessee. The voting down of the amendment that is proposed by the gentleman from Illinois [Mr. MADDEN] would not in any way affect the status of the Reid amendment as amended by myself.

Mr. MADDEN. That is true. I agree with that.

The CHAIRMAN. The Reid amendment as modified by the gentleman from Tennessee is now incorporated in section 3, and if section 3 is not stricken out, it remains in the bill.

Mr. MADDEN. Of course, that is good notice that they are to vote against my amendment.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, the United States in the course of the construction of this flood-control work from Cape Girardeau down, proposes, among other things, to build the New Madrid spillway on the southeast corner of Missouri, in which southern Illinois and southeastern Missouri have a paramount interest.

The United States also proposes to build the spillway at Bonnet Carre, La., in which the city of New Orleans has a

paramount interest. The United States proposes to build these spillways and pay for them out of the Treasury of the United States. The United States is not calling on any of the local communities to contribute toward the cost of the construction of these spillways, but the United States is asking that the city of New Orleans, on the one hand, and southern Illinois and southeastern Missouri, on the other, should save the United States Government harmless from any damages that may accrue as the result of the construction, and particularly during the period of construction, of these two necessary works in connection with flood control.

I think everybody who has given any consideration to this question will agree that these two spillways are essential to the success of the project, and I think the people of southern Illinois and the people of southeastern Missouri and the people of New Orleans, if they tell the truth, will agree that they have a paramount interest in the construction of these two spillways for which the United States proposes to pay.

Mr. FULBRIGHT. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. I can not yield now. I have been waiting all the afternoon to get a chance to say a word upon this important subject, and I do not want to have any extraneous matter injected into what I am saying on it.

They all say that these spillways are essential, but they will all say that they ought not to be called upon to contribute to the cost, or even be called upon to assume a contingent liability in connection with any damage that might occur as the result of the assumption of the responsibility on the part of the United States to do the work and pay the bill.

It is the most extraordinary thing I have ever listened to. It is the most presumptuous thing that I have ever seen set forth. It is an assertion by various communities of the United States having a paramount interest in a great problem that they under no circumstances must be called upon to pay a dollar of the cost. Impudence, I would say; unjust beyond reason.

What would be the responsibility of these communities in this connection? It could not amount to much. Then why does not the United States pay it, if that is true? Because the United States is going to pay the cost of the construction. In God's name, is there any community anywhere within the confines of the United States that is willing to contribute a dollar for its own protection in connection with one of the greatest works ever undertaken?

Oh, it will not do to say that the gentleman is parsimonious; oh, no; that will not do. It must be said that I am only dealing in justice. I want to say to you gentlemen, I suppose it makes no difference to you what my vote may be, but I propose to vote against the bill, no matter how many good things there are in it, unless you put this in it. [Applause.]

That is where I stand. The President of the United States has done everything in his power to show his interest in this problem. He has been earnest, tireless, honest, industrious, in his endeavor to work out a project for flood control that ought to meet the honest judgment of every man, woman, and child in the United States. [Applause.]

Oh, it is true; you have the power. You do the voting. You pass the laws. The President has the power to veto them if he will. That is his responsibility, and your responsibility is to say whether you will pass the bill over his veto after he has written it.

Now, I make no threats and make no promises. I speak for myself only. I am interested in you, in your future, in your development. I came to the front last summer, in violation of every law of the land, to help you when all others ran away from it. Everybody ran away. Everybody refused to assume the responsibility of meeting the situation. I assumed the responsibility. [Applause.]

It is true it was not my money, but I said to the Comptroller General of the United States that sometimes it was more important to meet a great emergency than it was to obey the law; and as this was a great emergency at that time, I met it, and I met it when everybody else refused.

I think you are making a mistake in refusing to cooperate with the President, who has been and is the friend of this great project. He has been working for it in season and out of season. You can pass the bill, I have no doubt; but you can not pass it over the President's veto. [Applause.] I am sure of that.

Why do you want to take a chance? Why do you not do the thing that ought to be done in all conscience? Why do you not do the thing that justice demands, and which reason tells you ought to be done? Why do you want to take the chance of losing the whole thing by a veto when by the expenditure of a million dollars you can furnish the foundation for the levees or the flood ways and assume the liability, which may not amount

to anything, to relieve the United States of damage claims while it is constructing at its own expense, without a dollar of expenditure on your part, the Bonnet Carre and the Madrid spillways? [Applause.]

Mr. QUIN rose.

The CHAIRMAN (Mr. Newton). The Chair recognizes the gentleman from Mississippi.

Mr. QUIN. Mr. Chairman, I want to say that I appreciate the kindness of the gentleman from Illinois [Mr. Madden] in agreeing to accept the Garrett amendment onto his amendment, and that if the Madden amendment is adopted the Garrett amendment is accepted and part of it, and if the Madden amendment is defeated the Garrett amendment stands as part of the flood-control bill.

Mr. MADDEN. That is not included in my effort.

Mr. QUIN. You are not trying to kill the Garrett amendment?

Mr. MADDEN. No, sir.

Mr. QUIN. A parliamentary situation forces it upon you. However, I thank the gentleman from Illinois in behalf of the people I represent for what the gentleman did in their behalf when they were suffering from overflow last summer, but I can not agree with him on this amendment that he has offered, which is taking the vitals out of this bill.

The gentleman from Illinois says he wants to help us, but if he is going to help us by taking the heart out of the bill, that kind of help is worse than no help at all. [Applause.] I trust the Members of this House can see the real purport of the gentleman's amendment. The real purport of his amendment is smooth and it cuts deep. Do not let any man pretend not to understand that if he votes for the Madden amendment he is killing this bill. For the people of the Mississippi Valley the much-sought aid will be gone. Mr. MADDEN understands that.

Mr. MADDEN. If I thought that was the case, I would not do it. I am sure that it is necessary to have these spillways, and all the Government is asking is that the two communities will guarantee the United States against losses by reason of damages.

Mr. WHITTINGTON. Will the gentleman from Mississippi permit me to ask the gentleman from Illinois a question?

Mr. QUIN. I will.

Mr. WHITTINGTON. I should like to ask the gentleman from Illinois if it is not a fact that the language "and other structures as and when the same are required" in your amendment would require the States of Missouri, Louisiana, and Arkansas to furnish the flowage rights through the diversion, and in answering me I call the gentleman's attention to the fact that the original Jadwin plan bill, introduced in the Senate of the United States by Senator Jones, of Washington, on December 13, contains the identical language, to wit, "rights of way for all structures as and when required"?

Mr. MADDEN. It would not. It would not require them to furnish the flowage rights.

Mr. WHITTINGTON. Is there any objection to striking out the words "and structures," because it has been the opinion of every lawyer on our committee that those words require the construction of the flowage rights?

Mr. MADDEN. If it passes, let that question go to conference, where they will have time to study the problem.

Mr. WHITTINGTON. My question is: Does not that include the flowage rights?

Mr. MADDEN. It includes the construction of these spillways, it includes the supplying of the flowage rights, or the taking of the chance of the cost of that being assumed by the Government of the United States, as it does of the Atchafalaya.

Mr. WHITTINGTON. It has been the opinion of every lawyer that that would require the local interests to pay for the flowage rights.

Mr. QUIN. And that is what they are not able to do. The people have reached a stage of bankruptcy in that distressed and overflowed country, and I trust that the gentleman from the State of Illinois does not want an impoverished people to be further burdened and their lands assessed for levee taxation up to more than they can stand. Under the amendment offered by the gentleman the result would be to confiscate the property of these poor citizens who are not able to assist further in bearing any more expense. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. NELSON of Missouri. Mr. Chairman and gentlemen of the committee, I want, if I may, to have your attention while I say just a few words about the southeast Missouri proposition. As a member of the committee and as one who has given considerable thought to it, I hope I can make the situation plain.

I have no direct personal interest in this because of the district I serve. It is in the central part of the State, 100 miles from this point. If you will take the map of southeast Missouri and look at Birds Point, on the Mississippi River, and drop down a distance of 72 miles to New Madrid, you will find it is proposed to make a flood way there varying in width from 5 to 10 miles and amounting to about 200,000 acres, as I now recall the figures. The present river-front levee would be cut down 5 feet, while 5 miles back of this another levee would be built, and between these the flood would flow to a depth of from 10 to 20 feet when the spillways were in operation or the lowered front levee failed at any point. Missouri wants no such flood way, yet it is proposed. For the protection of Missouri? No; for the protection of Cairo, across the river; and, according to the amendment which has been offered, Missouri and Illinois shall agree as to the cost and meet the cost.

Mr. FULBRIGHT. Will the gentleman yield?

Mr. NELSON of Missouri. Yes.

Mr. FULBRIGHT. I will ask the gentleman if it is not a fact that the damages sustained by southeast Missouri under the Jadwin plan would exceed the benefits derived from this project?

Mr. NELSON of Missouri. Unquestionably so, as brought out in the hearings. May I say to you, gentlemen, that three counties principally make up this territory, and the drainage and levee districts in those three counties have already voted \$52,000,000 in bonds, and \$31,000,000 of that amount remains unpaid to-day? The people of these districts virtually are bankrupt.

In one county, out of 10 banks only 3 remain. If you write the proposed amendment into this bill you have taken the heart out of it and made it impossible to protect the territory below.

In answer to the insinuation, to the unwarranted suggestion, that "if Missourians would tell the truth" we would acknowledge the fairness of the proposition, or something to that effect. I reply that Missourians do tell the truth, and they tell you that night will be day, that black will be white, that east will be west, and that joy will be sorrow when Missouri and Illinois agree to pay for something they do not want. This is the situation.

I come to you to plead for a square deal for the people of my State. The Governor of Missouri, who is not of my party, has truthfully written that Missouri will never agree to such a transaction. The attorney general of my State, who is not of my party, is very properly on record to the same effect.

Finally, may I say, gentlemen of the committee, that after all there is a bigger issue before this body than flood control. It has to do with the integrity of the legislative branch of this Government. Section 1, Article I of the Constitution reads:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Speaking only for myself, I resent the nature of many of the attacks made on this measure. I resent the fact that the President of the United States has intimated that if we do not do certain things in advance he will veto this bill. [Applause.]

I call upon you, as the Representatives of the people, to come out and once more say to the country that there is a Congress and that we are going to do our duty irrespective of the fact that the White House has sent here a mandate to the effect that if we do not do so-and-so there will be no flood control. [Applause.]

Mr. MOORE of Virginia. May I interrupt the gentleman?

Mr. NELSON of Missouri. I yield to the gentleman.

Mr. MOORE of Virginia. The amendment of the gentleman from Illinois provides that these two localities which he describes shall stand the cost of the construction of such drainage works as may be necessary. The gentleman is a member of the committee in charge of the bill; what would that include, if the gentleman can tell us briefly?

Mr. NELSON of Missouri. As to Missouri, I may say, in brief, it would include, as I stated, this flood way of some 200,000 acres. According to the testimony that has been offered as to the value of the land, if I remember correctly, General Jadwin indicated it would be some two and a half or three million dollars. It was testified when the bill was under discussion the other day that it might approach \$20,000,000.

Do you think it is possible, gentleman, for a community that is already broke to put up \$20,000,000?

We want Cairo protected, my colleagues, but it is not necessary for Missouri to pay for the protection across the river. My plea is for fair play and for a bill that somehow we can get through. You can not expect Missouri to pay for something she does not want and does not need. [Applause.]



Mr. DENISON. Mr. Chairman and gentlemen, I have not had an opportunity to say anything on this bill since we began reading the bill for amendment, and I do not expect to have very much more to say. I represent the only district in Illinois that is directly affected by this bill, and I want to discuss this particular amendment, because it is of very vital importance to the district I represent. I therefore ask unanimous consent that I may proceed for 15 minutes.

The CHAIRMAN (Mr. NEWTON). The gentleman from Illinois asks unanimous consent to proceed for 15 minutes. Is there objection?

There was no objection.

Mr. DENISON. Gentlemen, I appreciate this privilege very much.

I have not come before this House very often asking anything that would directly benefit the people I represent. I have devoted a great deal of my time in the last few years in trying to serve the other Members of the House. I am now appealing to the other Members to help me and those I represent. Since I came to this Chamber about 14 years ago, I have held out the hope to the people of Cairo and the surrounding part of southern Illinois that sooner or later Congress would pass national flood relief legislation that would give them some hope and bring substantial relief to them. Now at last comes the opportunity to fulfill that promise and to help them realize that hope, but here is an amendment presented by my colleague, Mr. MADDEN, which would blot out completely all hope so far as that part of Illinois is concerned that is directly interested in the bill.

I represent the lower counties of Illinois, including Cairo. Gentlemen, if you can see this map, you will notice that Cairo is located at the extreme southern end of Illinois, and up north some 20 or 30 miles is the city of Cape Girardeau, Mo.

In its natural condition there was a natural diversion of the flood waters of the Mississippi River just south of Cape Girardeau down through a bayou and on south into the St. Francis River. That was the way the floods went when this country around here [indicating] was in a natural condition.

My colleague from Illinois has spoken at length, and with some feeling about the justice of this matter. I am now presenting a question of justice which I am sure will appeal to every Member of this House. Down here between Birds Point and New Madrid, where it is proposed to build this flood way, in a state of nature the flood waters of the Mississippi River spread out all over this part of Missouri and cut across here and entered the Mississippi River down near New Madrid; that is, in the early days before there were levees constructed to any extent, the flood waters of the Mississippi River that were not diverted through the bayou south of Cape Girardeau and allowed to flow down through here [indicating], and thence on down the St. Francis into the Mississippi River, were allowed to spread out over a natural reservoir in southeastern Missouri.

At that time Cairo, Ill., began the construction of levees and protected herself fully; and I want to say that Cairo and the drainage district north of Cairo have built their levees entirely with their own money. Only one contribution has ever been made by the Federal Government and that was after the flood of 1912, when the Federal Government, by special act, contributed a certain amount to match a similar amount contributed through the Legislature of Illinois. Outside of that the people of Cairo and southern Illinois have built their own levees, 60 feet high, around Cairo, without any contribution from the Federal Government at all. Why did we have to build our levees so high? A few years ago in order to reclaim this land down through here in Missouri [indicating], a large levee district was formed in Missouri and Arkansas, and they built a levee across the mouth of this natural diversion channel south of Cape Girardeau. That reclaimed a lot of valuable farming lands in Missouri and Arkansas, to be sure, but at the same time it diverted an immense amount of flood waters from their natural channels and sent them on down upon Cairo and the surrounding communities in Illinois.

The flood waters were thus confined and rushed down the river to Cairo. Cairo was not responsible. That was done by the people of Missouri and Arkansas. Meantime the people of Missouri, in order to reclaim and protect more overflowed farm lands, organized other levee districts and constructed levees all along the natural banks of the river from Cape Girardeau, north of Cairo, to New Madrid, 60 miles south of Cairo. Those levees in Missouri cut out the natural reservoir and compelled the confining of all floods in the main channel of the river. That had the effect of throwing back the water onto Cairo, Ill. Cairo is not responsible for that condition. But Cairo and all southern Illinois is suffering and is constantly threatened by

the artificial condition that has been brought about by the reclamation improvements in another State.

Gentlemen, Cairo can not live unless something is done to relieve the people of that part of our State from the constant menace that is hanging over them by reason of the levee improvements over in the State of Missouri.

I assume that the people of Missouri had a legal right to make those improvements. They were trying to reclaim very fertile farming lands. But Cairo is trying to protect herself from destruction. Cairo is trying to save her homes, her great industries, and the lives of her people. I do not expect Missouri to pay for flood works to protect southern Illinois. I do not see how you can make her do it. The people over in Missouri had a right to build their levees. They were not only permitted by the Federal Government to build them where they did, but the Federal Government helped build them.

On the other hand, it would be the greatest injustice to Cairo to make her pay for relief from the conditions that have been brought upon her by the people of Missouri. I am sure everyone can see the injustice of that. That would be the effect of the amendment offered by the gentleman from Illinois [Mr. MADDEN].

Mr. COX. Will the gentleman yield?

Mr. DENISON. Certainly.

Mr. COX. Will not the gentleman concede that only the Federal Government is responsible?

Mr. DENISON. That illustrates the situation exactly. Gentlemen, there can be no relief to southern Illinois except by the Federal Government. If you adopt the amendment offered by my colleague from Illinois [Mr. MADDEN] you destroy this bill as far as southern Illinois is concerned, because the people of southern Illinois have taxed themselves until now they are practically bankrupt. Merchants and manufacturers have been going bankrupt. They can not stand any assessment for flood works in Missouri, and you might just as well not pass this bill if you put this amendment into it.

Mr. MADDEN. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. MADDEN. I think my colleague does not understand the question.

Mr. DENISON. Oh, yes; I do.

Mr. MADDEN. Nobody is asking Cairo or southern Illinois or southeastern Missouri to pay a single cent of the cost of building the Bonnet Carre or the New Madrid spillway. All that is being asked is that these two elements of our citizenship composed of the people around southern Illinois and the people of southeastern Missouri shall accept a contingent liability—without the expenditure of a dollar—for damages that may be imposed on the United States during the period of construction of these two spillways. That is all, nobody is asking your people to pay for this.

Mr. DENISON. Contingent liability to whom?

Mr. MADDEN. You accept the responsibility for answering to the Government of the United States against any cost for damage to property owners.

Mr. DENISON. It would mean millions of dollars to be paid by southern Illinois and southeastern Missouri, and you might as well defeat the bill as far as southern Illinois is concerned. The people of Cairo or southern Illinois can not pay it, and I would rather that the House would rise up and strike out the enacting clause of the bill than to put that amendment into it. [Applause.]

I want to say, too, that after the President fully understands this situation, I do not believe he is going to veto the bill if the proposed amendment is not in it.

Mr. DRIVER. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. DRIVER. I want to call the gentleman's attention to this amendment. It says, "No liability of any kind shall attach or rest on the United States for any damages from or by flood or flood waters at any place."

Mr. DENISON. That would mean an assessment of millions of dollars upon an impoverished people that are absolutely unable to pay it. Who would you assess it on? The amendment says on the "interests of southern Illinois." What interests? There is no practical way to carry such a proposal into effect, and if there was the people could not pay it. Why defeat some of the main purposes of the bill by putting such a provision in it?

Mr. WHITTINGTON. Has not the Supreme Court of the United States decided time and time again that no legal liability rested on the Government by the construction of levees?

Mr. DENISON. I think that has been held.

Mr. COX. And is it not true that if the State of Illinois and the State of Missouri were to enter into an agreement to

pay damages they would be assuming a liability where none now exists?

Mr. DENISON. That is true, but there is no more hope or possibility of the people of southern Illinois and of Missouri reaching an agreement on this thing than there is, as the gentleman from Missouri [Mr. NELSON] said, of mixing oil and water. No one would know how to apportion the damages or the costs, nor against whom to assess them. The whole thing is purely visionary. It is impractical, and it is impossible if it were practicable.

Mr. IRWIN. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. IRWIN. The language of the amendment of the gentleman from Illinois [Mr. MADDEN] speaks of southern Illinois and southeastern Missouri. What does that mean? How much territory is taken in in those two States? The amendment does not qualify by stating so many counties or such and such parts, but simply says southeastern Missouri and southern Illinois. That is a pretty big territory. Just how much does the amendment take in?

Mr. DENISON. Nobody knows. It is wholly impracticable.

Mr. WILLIAM E. HULL. And is it not true that the constitution of the State of Illinois, so far as the State is concerned, would prevent it from spending any money in Missouri?

Mr. DENISON. Yes. It could not be done unless it were done voluntarily.

Mr. WILLIAM E. HULL. And if this were to be agreed to it would mean that they would have to pay for all of that land in that section where the spillway is.

Mr. DENISON. It would.

Mr. WILLIAM E. HULL. That would be the damages.

Mr. DENISON. If this amendment is to be adopted, it means that there will be no flood protection for southern Illinois and southeastern Missouri, because it is impossible of fulfillment so far as southern Illinois is concerned.

Mr. JACOBSTEIN. And is not that the real point here, that you could not have any flood-control project unless you have an agreement there—the whole thing would be stopped right at the start?

Mr. DENISON. Yes; entirely.

Mr. COX. In other words, flood control is conditioned upon cooperation?

Mr. DENISON. Yes.

Mr. COX. That is upon a voluntary assumption of these burdens on the part of southern Illinois and southeast Missouri, which the people of that territory consider to be unjust and inequitable.

Mr. DENISON. Absolutely. The people of southern Illinois have lived for years and years under a threatened wall of water. Whenever the water gets up as high as it did last spring it begins to seep under the levees, and so Cairo can not stand any higher levees. There is only one thing that will save southern Illinois and Cairo, and that is to lower the flood level by the construction of some kind of a diversion channel or flood way on the other side, or by setting back the levees. The people of Missouri ought not to have to stand that expense, and the people of southern Illinois not only ought not to have to stand the expense but they could not do so. I hope the Members of the House will not condemn the good people of the city of Cairo and the surrounding country in my State to this continued menace to their property, their homes, and even their lives, and to the loss of all hope, by the approval of this amendment to the bill.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The question is on the amendment offered by the gentleman from Illinois [Mr. MADDEN].

Mr. SPEARING. Mr. Chairman and gentlemen, in considering the pending amendment it must be borne in mind that the plan proposed to be adopted in the bill under consideration is for one whole and complete plan, each part thereof being an integral and necessary unit of the whole plan. Included in the plan is a spillway known as the Bonnet Carre spillway, opening, of course, at the river and emptying into Lake Pontchartrain, in the rear of New Orleans. The spillway itself is a short distance, approximately 25 or 30 miles, above the city of New Orleans, and, as I have already indicated, it is one of the outlets to take care of and discharge surplus water when the Mississippi River is in flood.

The amendment calls for the same requirements as to what is known as the New Madrid flood way, which is located in the southeastern part of Missouri and covers an area opposite to Cairo, Ill., and, of course, on the opposite side of the Mississippi River. It, too, is an integral part of the flood-control plan recommended by the Chief of Engineers, which plan, as I have already indicated, is proposed in the pending bill.

You have heard from the gentleman from Illinois [Mr. DENISON] who has just taken his seat that it is impossible for the citizens of the section covered by the New Madrid flood way to comply with the requirements and demands of the pending amendment. If, therefore, the people affected by the New Madrid flood way can not and do not comply with the requirements of the pending amendment so far as it affects the New Madrid flood way, and if the city of New Orleans can not and does not comply with the requirements of the amendment as to the Bonnet Carre spillway, neither will be constructed, and therefore the whole plan would necessarily fail—because, I repeat, the New Madrid flood way and the Bonnet Carre spillway are necessary parts of the one whole and complete plan.

Mark the language of the pending amendment, which, so far as the Bonnet Carre spillway and the city of New Orleans are concerned, is as follows:

Work on the so-called Bonnet Carre spillway will be undertaken when the city of New Orleans, in recognition of its paramount interest therein, shall have undertaken to hold and save the United States from all damage claims arising out of the construction of the spillway.

The same burdens are placed upon "interests in southern Illinois and southeast Missouri" so far as the New Madrid flood way is concerned.

The provision of the amendment is an affirmative, pregnant with a negative. In other words, the amendment is tantamount to declaring that the Bonnet Carre spillway will not be constructed unless nor until the city of New Orleans "shall have undertaken to hold and save the United States from all damage claims arising out of the construction of the spillway," and in the other instance the same is true of the New Madrid flood way. Therefore, unless the city of New Orleans and the interests in southern Illinois and southeast Missouri assume the burdens proposed to be put upon them and pay the claims for damages, the Government will not undertake to construct either the New Madrid flood way or the Bonnet Carre spillway.

Mr. MADDEN. Of course not.

Mr. SPEARING. And you have the statement from the gentleman from Illinois [Mr. DENISON] that his people can not bear this burden. Therefore, if the city of New Orleans does not assume to pay the claims for damages and you adopt the amendment, the Congress is declaring in advance that neither the New Madrid flood way nor the Bonnet Carre spillway will be constructed.

Mr. MADDEN. Do not you all say that you do not want it—that the people are opposed to it? And if they are opposed to it, why do you want to force it on them?

Mr. SPEARING. No; we have never said that at all. We do want the Bonnet Carre spillway and we want the New Madrid flood way, and also the Tensas flood way, and the Atchafalaya flood way; but we want all of them so as to obtain and secure the relief from destructive floods which the Chief of Engineers assures will be accomplished by constructing all of the projects and not merely by constructing two of them, viz, the Tensas and Atchafalaya flood ways and omitting the New Madrid flood way and the Bonnet Carre spillway. To omit those two projects would manifestly destroy the completeness of the flood-relief plan and would at the next flood bring disaster to the people in the alluvial valley equal to, if not greater than, the damage to life and property wrought by the high water of 1927. It is not logical to put in the bill a provision which in advance destroys the effectiveness of the plan which the bill itself proposes to adopt, and which we are assured by competent authority will secure relief to the flood-stricken areas. Moreover, what good reason is there for singling out two particular sections to bear this extra burden which is not attempted to be placed upon the other sections? The omission of the other sections from the burdens carried in the amendment is to concede that they are unreasonable and improper because if it is right to place this extra burden upon the people of southern Illinois and southeast Missouri as to the New Madrid flood way and upon the city of New Orleans as to the Bonnet Carre spillway, then a like burden could, with propriety, be placed upon the people affected, or that might be benefited by the other two flood ways.

Surely the fact that New Orleans is a large and prosperous city and may indirectly be benefited by the Bonnet Carre spillway is no justification whatever for attempting to mulct that city out of funds for the benefit of private interests, because the provisions against which complaint is not in any manner advantageous or beneficial to the Government, as I shall presently show. No good reason has been even suggested, nor can it be, why this extra burden should be placed upon the communities that might be affected or benefited by either the New Madrid flood way or the Bonnet Carre spillway. If flood control is a



national obligation, as it undoubtedly is and is conceded by everyone, the obligation should be borne by the Government, irrespective of locality and of a possible local benefit. If it is right to discharge a burden, as undoubtedly it is, then that burden should be discharged in favor of all people alike and not withheld because perchance it is possible that the proper discharge of the obligation may benefit some person or persons, or some community which is supposed to be more advantageously situated financially than other communities. Flood control is not a charity. It is an obligation and duty which the Nation owes to the people affected by the overflow of the banks of the Mississippi River or by breaks in the levees. Relief should not be withheld because one person or one community might be better off financially than another. Relief should not be doled out as a charity, but it should be granted in the discharge of an obligation recognized by everyone as resting upon the National Government. If the principle that a community which may be benefited by a public work is to defray a part of the expense or is to pay all of the damages be followed in other public works, the more populous and wealthy citizens, including the home city of the proposer of this amendment, would be required to make large contributions. Of course, no one advocates such an absurdity and yet we have it seriously contended here that because the city of New Orleans may be benefited by the Bonnet Carre spillway it should obligate itself to pay claims for damages for which the Government itself is not liable. The fact of the matter is the Atchafalaya flood way is of more importance and will be more beneficial to the city of New Orleans than will be the Bonnet Carre spillway.

In other words, the city of New Orleans will have greater security from damage if the Atchafalaya flood way be constructed and the Bonnet Carre spillway omitted than if the Bonnet Carre spillway be constructed and the Atchafalaya flood way omitted. The reason is that the Atchafalaya flood way will discharge a vastly greater amount of water than will the Bonnet Carre spillway, and thus by means of the Atchafalaya flood way New Orleans will be relieved of that great bank of water which would otherwise pass in front of it. In comparison with the amount of water which it is proposed to discharge through the Atchafalaya flood way the Bonnet Carre spillway sinks into insignificance.

Mr. SNELL. Mr. Chairman, will the gentleman yield for a question?

Mr. SPEARING. Certainly.

Mr. SNELL. I have been told that formerly the city of New Orleans was willing to build the Bonnet Carre spillway, provided the Federal Government would allow them to do it. It is said they are willing to do that on account of their own protection.

Mr. SPEARING. I have never heard of it.

Mr. O'CONNOR of Louisiana. I suggest to my colleague that he ask the gentleman who made that statement.

Mr. SNELL. I understand a statement came to the War Department to that effect.

Mr. SPEARING. I will say that to my knowledge there was a crevasse at Bonnet Carre a number of years ago and New Orleans was endeavoring all the time to have it closed up, and it was finally closed.

As a matter of fact, except for certain physical conditions resulting from an opening in the levee below New Orleans, that city would much prefer to have a spillway between that city and the Gulf than to have one above the city of New Orleans, as will be the Bonnet Carre spillway. The water, through a spillway below New Orleans, flows directly in the Gulf and can not under any circumstances reach or affect any portion of the city of New Orleans. On the other hand, the water through the Bonnet Carre spillway will be discharged into Lake Pontchartrain, upon which the city of New Orleans borders in the rear. The effect of the water being discharged into that lake through Bonnet Carre spillway may raise the level of that lake, and in the event of high tide in that lake, as sometimes happens, the water may flood that portion of the city of New Orleans bordering on Lake Pontchartrain. By reason of the possibilities just mentioned, it may be necessary for the city of New Orleans to build levees or embankments along the shores of Lake Pontchartrain in order to protect that portion of the city from the overflow resulting from the water of the spillway flowing into the lake at high tide.

Bear in mind that in an amendment offered by the chairman of the committee [Mr. REED of Illinois], as well as in the amendment offered by the gentleman from Illinois [Mr. MADDEN], it is provided that—

no liability of any kind shall attach to or rest upon the United States for any damages from or by floods or flood waters at any place.

While it is wise to insert that provision in the bill, it is not necessary, because the Supreme Court of the United States has decided, as you have heard reiterated many times during the discussion of this bill, that the Government is not liable for any of these damages. It is apparent therefore that the provision that the city of New Orleans shall undertake to hold and save the United States free from damage claims is not for the benefit or to the interest of the Government because both by judicial decisions and by the text of the bill the Government is relieved from, and is not responsible for, those damages. It necessarily results that the only persons, corporations, or institutions that could be benefited by requiring the city of New Orleans to assume the payment of such damaged claims are the persons, whether individuals or corporations, that may be damaged. Note that the language is to hold the Government "from all damage claims arising out of the construction of the spillway." Observe that there is no restriction limiting the "damage claims" to those for which the Government may be liable, but is generally for "damage claims arising out of the construction of the spillway." Those who prepared the amendment were careful to clothe it with every possible provision to make the city of New Orleans legally liable to third persons; that is, persons other than the Federal Government. Thus they took pains to include the requirement that a consideration should be expressed, namely, the "paramount interest" of New Orleans in the spillway; and, as I have already said, they enlarged the obligation so as to include all damage claims arising out of the construction of the spillway, not merely those against the Government or for which the Government might be liable. In effect the requirement is that the city of New Orleans, in order to obtain what is conceived to be protection from floods, must assume obligations and liabilities to third persons for which the Government is not liable. Under such conditions and obligations the city of New Orleans would legally be liable to such third persons even though the Government would not be. No good reason has been urged why this condition and result should be insisted upon.

Let us for a moment consider the persons or corporations which would be benefited as a result of the proposed amendment, if adopted. The Bonnet Carre spillway will traverse a narrow neck or strip of land about 7 or 8 miles wide between the Mississippi River and Lake Pontchartrain. In that area, however, are three major railroads as well as other interests and property which will be damaged. Necessarily there will be damage to those railroads and other interests and property, so that if the provision I am now discussing is put in the bill it will inure to their benefit and not the benefit of the Government, because, as we have already seen, the Government will not only not owe them anything or be liable to them for any damages, but will be free from obligation or liability under the decision of the Supreme Court to which reference has frequently been made and under the provisions of the bill exempting the Government from liability. Congress should not be so solicitous of the interests of private concerns, of institutions, or even individuals, as to legislate in their favor and against communities already stricken by disaster for which they were in no manner responsible but which, though a long series of years and at excessive outlay of cash, they have endeavored to prevent.

New Orleans has never been unmindful of its obligations, nor the city or its citizens slow in the expenditure of funds for the protection of itself and the neighboring territory from overflow and its effects. As the flood of 1927 was about to reach its height it seemed possible that the river might overflow its banks at New Orleans and that a break might occur below Baton Rouge, which would have caused great damage and suffering and possibly loss of life. In that extremity the city authorities arranged for the opening of an artificial crevasse below the city, and the city assumed the entire cost, damage, and expense, including reimbursing the persons who were damaged as a result of the crevasse. While it is true one of the purposes of creating that crevasse was to prevent the water from overflowing the banks in front of the city—there was no danger of a break in the levees then—it is perfectly clear that the opening referred to relieved the pressure elsewhere and probably prevented a break in the levee at some other point, so that while New Orleans was benefited by the break, so also were other communities.

The prevention of another break saved immense damage not only to physical property but to general economic and commercial conditions, because it must be remembered that an overflow not only causes physical damages, human distress and suffering, and frequently loss of life, but upsets and disarranges the economic, financial, and commercial conditions, and ultimately affects the manufacturing, wholesale, and financial centers. It is, of course, manifest that when the purchasing

power of a large class of people is materially diminished, if not destroyed, as was the case in the flood of 1927, their inability to make purchases of useful as well as necessary articles affects the retailer, the jobber, the wholesaler, and the manufacturer, each in his turn, and has an effect upon the general economic and financial situation. Louisiana was more injuriously affected than was any other State, and it is now suffering more than is any other State. In addition to that it must be borne in mind that of the three flood ways or diversion channels two of them—namely, the Tensas flood way and the Atchafalaya flood way—are in Louisiana, as is also the Bonnet Carre spillway. Much of the land in those sections will be destroyed for all practical purposes and will necessarily be withdrawn from taxation, thus reducing the revenue of the State and the purchasing power of the people for all time. In addition to the loss and damage just referred to, it is proposed by the amendment under discussion, and to which we are objecting, to place an additional burden upon the city of New Orleans for no apparent reason than that it seems to be conceived that the city might be forced and compelled, as a matter of self-protection, if not preservation, to yield to the unjust and unfair demands suggested by the amendment. This inequity should not be permitted.

As I have just said, and I again urge, the placing upon the city of New Orleans of the tax and burden and cost and expense proposed by the amendment would be inequitable, unfair, and unjust. I do not believe that the fair-minded men of this House will support the amendment. [Applause and cries of "Vote!"]

Mr. O'CONNOR of Louisiana rose.

Mr. REID of Illinois. Mr. Chairman, I ask unanimous consent that the debate on this section and all amendments thereto be now closed.

Mr. O'CONNOR of Louisiana. I would like to have five minutes.

Mr. REID of Illinois. I ask unanimous consent that all debate on this section and all amendments thereto close in five minutes.

Mr. LA GUARDIA. I object, Mr. Chairman.

Mr. REID of Illinois. Mr. Chairman, I move that all debate on this section and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Illinois moves that all debate on this section and amendments thereto close in five minutes. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The debate closes in five minutes. The Chair recognizes the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR of Louisiana. Mr. Chairman and gentlemen of the committee, as I said a few days ago, I have been fighting the good fight for flood relief since I came to Congress. I have seen many converts made during the last few years, and I think to-day we are nearing the goal for which we have fought for so many years down in the lower reaches of the river in Louisiana.

We want the Madden amendment voted down, for the excellent reasons given by the gentleman from Illinois [Mr. DENISON] and by my colleague from Louisiana [Mr. SPEARING]. I do not violate any confidence when I tell you that I know Mr. MADDEN himself was not pressing a few days ago for that amendment with reference to the Bonnet Carre spillway at New Orleans. He did not think it necessary to the policy to be pursued; and I believe the Republican leader, the gentleman from Connecticut [Mr. TILSON] was in accord with that. I do not violate any confidence or the ethics when I say to you that the President of the United States told my colleague [Mr. SPEARING] and myself this morning that that proposition, as it applies to New Orleans and as it is written in the Madden amendment, was entirely new to him. Mr. MADDEN, you ask for the truth. "Ye shall know the truth, and the truth shall make you free." Why should New Orleans, at the end of the river, take 10,000 cubic feet of water extracted from Lake Michigan by Chicago and 10,000 additional cubic feet of filth and sewage and drainage and pay for it for the benefit of the hygienic and sanitary welfare of Chicago?

The gentleman from Illinois knows that this statement is true. The greatest inland city of the world to protect herself from typhoid that would destroy her uses water from the lake and with her own enormous wastage as the result of stockyard and domestic use, creates power down the Chicago River out of which her sanitary district makes tremendous money and he has the audacity to ask New Orleans to pay for taking care of that water after it has served his city's purpose and she has made money out of it. Why should we be compelled to stand the burden of the drainage of every acre of ground in the great Mississippi Valley and take care of the sewage and

drainage of the rapid development of civilization called the "cities" all around and on both sides of the great river? Substantially, if not literally, we ask for bread, and you give us a stone. We ask for a fish, and you give us a serpent. And the gentleman talks about "justice" on the floor of this House in regard to that amendment as it is applicable to New Orleans! It is the very last word of injustice.

Through and by his amendment New Orleans would be forced for all practical purposes to assume the payment of all damages resulting from the construction of the Bonnet Carre spillway.

I join with my friend [Mr. DENISON] in asking you to vote that amendment down overwhelmingly. [Applause.] Listen to this statement made in behalf of a city that has borne the heat and burden of the day. Listen to the last city on the banks of the Mississippi that has to watch with aching eyes yearly when the snows begin to melt between the Rockies and the Alleghenies and from above the Canadian border down through the mightiest, the most stupendous, valley in the world, as upon that melting and the rains that fall in the great rain sheds depends whether we shall sleep or remain awake "until danger's troubled night is o'er." Listen to the voice of the city that has already assumed the obligation of paying for all the damages in connection with the spectacular cutting of the levee at Caernarvon, and which may cost us millions.

In the estimates of cost of the Bonnet Carre spillway submitted by General Jadwin and by the Mississippi River Commission, there is a difference of \$3,300,000 which covers the cost of right of way, the cost of rearrangement of railroads crossing the spillway, the relocation of the highways, and so forth, these items being included in the Mississippi River Commission's estimate and excluded in General Jadwin's estimate.

It is now represented as fair to require the city of New Orleans to assume this amount of \$3,300,000 for the alleged reason that the spillway is for its particular benefit.

The city of New Orleans has 26 miles of levee on the Mississippi River. These levees have been built entirely at the expense of the city of New Orleans. Not one nickel of United States money was expended either in the construction or the upkeep of these levees. If a spillway is built at Bonnet Carre, these 26 miles of levees, in common with 250 to 300 miles of levee in other levee districts on both sides of the river, from Baton Rouge above New Orleans to Point a la Hache below, will participate in the benefits derived from a lowering of the flood height in that stretch of the river.

But in the consideration of the proposed assessment of \$3,300,000 against New Orleans in connection with this spillway, let it not be overlooked that there are considerable expenditures that must be assumed by the city of New Orleans as a consequence of this proposed spillway.

There are three drainage canals, two navigation canals, and one natural stream, the Bayou St. John, all of which connect the built-up area of the city with Lake Pontchartrain in the rear. The Bonnet Carre spillway will discharge into Lake Pontchartrain about 250,000 cubic feet per second, or equivalent to the discharge of Niagara Falls.

While the effect of this discharge will not be to raise the lake more than a few feet—probably less than 3 feet—it is possible that there may be a storm tide occurring simultaneously with the high lake stage due to the spillway discharge and, to provide against such a contingency, there will be needed a material improvement of the rear protection-levee system. New Orleans gets the benefit of reduced flood stages on the front at the cost of increased flood stages in the rear.

The New Orleans levee board has an estimate recently prepared as to what would be the cost of this work, and this estimate is between four and five millions of dollars, no part of which it was contemplated to ask the United States Government to pay. Nor is it contemplated to ask the Government to assume any part of the cost of raising the levees along the commercial front of the city, comprising work that will involve, perhaps, \$2,000,000, because it is not desirable to introduce complications in the matter of jurisdiction of our wharves and docks, as would naturally follow if the Government paid any part of the levee raising along that part of the river.

I join with my friend, Mr. DENISON, I repeat, in asking you to emphatically indorse his protest by voting down overwhelmingly the Madden amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MADDEN].

The question was taken; and on a division (demanded by Mr. MADDEN) there were—ayes 73, noes 142.

So the amendment was rejected.

Mr. LA GUARDIA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.



The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: On page 4, line 15, strike out the words "local interests," and insert in lieu thereof "the several States within the Mississippi flood area," and on line 21, after "(b)," strike out the balance of the line and all of line 22 and insert in lieu thereof, "without cost to the United States provide necessary drainage works and rights of way or easements for structures, spillways, and flood ways as and when required, and will hold safe the United States from all damages or claims resulting from such work: *Provided*, That each of the said several States within the Mississippi flood area shall contribute for the acquisition of land, easements, and rights of way as herein provided in proportion to the acreage within its boundary benefited by the flood-relief plan herein provided: *And provided further*, That the United States will reimburse each of the said several States one-third of the amount expended by it for the acquisition of said land, rights of way, and easements."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. RAINEY. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. RAINEY. For the purpose of propounding a unanimous-consent request.

The CHAIRMAN. The gentleman is recognized for the purpose of propounding a unanimous-consent request.

Mr. RAINEY. Mr. Chairman, with reference to the letter about which there was a controversy a while ago, I have stricken out all references to Mr. FREAR. I have submitted the letter to him, and I ask unanimous consent to print the letter as amended.

Mr. SCHAFER. Mr. Chairman, reserving the right to object, does the gentleman know how many acres of land Mr. Lorimer owns down in the valley?

Mr. RAINEY. Yes.

Mr. SCHAFER. About how many?

Mr. RAINEY. He owns in fee 800 acres; and his company has timber rights, I think, on 15,000 acres.

Mr. LAGUARDIA. Will the gentleman make that request to-morrow morning? The committee is about to rise.

Mr. RAINEY. I am not going to take up any time.

Mr. LAGUARDIA. Has the gentleman from Wisconsin [Mr. FREAR] seen the letter?

Mr. RAINEY. Yes; I submitted it to him.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The letter referred to is as follows:

WASHINGTON, D. C., April 19, 1928.

Hon. HENRY T. RAINEY,

House of Representatives, Washington, D. C.

MY DEAR MR. RAINEY: \* \* \* When I was before the Flood Control Committee of the House the chairman inquired of me who I was representing, and I made it clear on that occasion that I represented no interest aside from the Chicago Flood Control Conference, and that I was there in behalf of that organization and at the request of its executive committee, of which I am a member.

The fact is that during the past 36 years I have not been in the employ of any person, firm, or corporation other than corporations controlled by myself and members of my immediate family; and I am not now nor have I ever been employed by the Tensas Delta Land Co. or any other interest. It is common knowledge that I am here in behalf of the Chicago Flood Control Conference. \* \* \* I am not paid for this service; but, to the contrary, I am here at my own expense, which I pay out of my own funds.

I have no personal interest to promote or conserve in connection with the pending legislation. The only land in the Delta in which I have an interest is owned by the lumber company bearing my name, and is situated in the proposed Boeuf flood way. The land itself is not of much value, and our timber rights will not be benefited or injured by the water. Our company will donate the flowage rights over our land in event the flood way should be constructed; I so stated before the committee.

You know how you and Congressman MADDEN and myself have labored in season and out of season during the past 25 years for the control and improvement of the Mississippi River; and you know that our only purpose has been to promote a great public improvement of paramount interest to the whole country; and now that the time is at hand when the Federal Government is about to take over the control and regulation of this great highway of commerce, \* \* \* I take the liberty to request you, as a matter of simple justice, to read this statement into the RECORD during the consideration of the flood-control legislation in the House.

Very respectfully,

WM. LORIMER.

The Clerk read as follows:

SEC. 4. Just compensation shall be paid by the United States for all property used, taken, damaged, or destroyed in carrying out the flood-control plan provided for herein, including all property located within the area of the spillways, flood ways, or diversion channels herein provided, and the rights of way thereover, and the flowage rights thereon, and also including all expenditures by persons, corporations, and public-service corporations made necessary to adjust or conform their property, or to relocate same because of the spillways, flood ways, or diversion channels herein provided: *Provided*, That in all cases where the execution of the flood-control plan results in benefits to any person, or persons, or corporations, municipal or private, such benefits shall be taken into consideration by way of reducing the amount of compensation to be paid.

The Secretary of War may cause proceedings to be instituted for the acquirement by condemnation of any lands, easements, or rights of way needed in carrying out this project, the said proceedings to be instituted in the United States district court for the district in which the land, easement, or right of way is located. In all such proceedings the court, for the purpose of ascertaining the value of the property and assessing the compensation to be paid, shall appoint three commissioners, whose award, when confirmed by the court, shall be final. When the owner of any land, easement, or right of way shall fix a price for the same which, in the opinion of the Secretary of War, is reasonable, he may purchase the same at such price; and the Secretary of War is also authorized to accept donations of lands, easements, and rights of way required for this project. The provisions of sections 5 and 6 of the river and harbor act of July 18, 1918, are hereby made applicable to the acquisition of lands, easements, or rights of way needed for works of flood control: *Provided*, That any land acquired under the provisions of this section shall be turned over without cost to the ownership of States or local interests.

With the following committee amendments:

On page 5, in line 9, after the word "in," insert the word "special"; and in line 10, after the word "private," insert the words "or public service corporations."

The CHAIRMAN. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

In line 15, after the word "way," insert the words "which, in the opinion of the Secretary of War, are."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 6, line 7, after the word "that," insert the words "the title to."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 6, line 8, after the word "section," insert the words "and used in connection with the works authorized by this act."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

In line 10 strike out the words "ownership of."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

In line 11, after the word "interests," insert the words "which shall retain the same for the purposes specified in this act."

The committee amendment was agreed to.

Mr. REID of Illinois. Mr. Chairman, I have certain other amendments to this section and other sections of the bill which I ask unanimous consent to have printed in the RECORD.

The CHAIRMAN. Without objection, the amendments indicated by the gentleman from Illinois will be printed in the RECORD.

There was no objection.

The amendments referred to are as follows:

#### SECTION 4

Page 4, strike out all of the first paragraph, beginning with the word "Just," in line 23, down to and including the word "paid," in line 12, on page 5, and insert in lieu thereof the following paragraph:

"The United States shall provide lands for rights of way over which destructive flood waters will pass by reason of the diversion from the main channel of the Mississippi River, and for levees along such diversions, flood ways, and spillways, and any lands, easements, flowage rights, or rights of way necessary to control and regulate such diversion."

Page 6, line 10, strike out the words "local interests" and insert in lieu thereof the words "levee districts."

## SECTION 6

Page 6, line 22, strike out the words "In an emergency, funds" and insert in lieu thereof the word "Funds."

Page 6, line 23, after the word "of," insert the words "section 1 of."

Page 7, line 1, after the word "project," change the semicolon to a comma, strike out the rest of the section, and insert in lieu thereof the following: "including levee work on the Mississippi River between Rock Island, Ill., and Cape Girardeau, Mo., and on the outlets and tributaries of the Mississippi River between Rock Island and Head of Passes, in so far as such outlets or tributaries are affected by the backwaters of the Mississippi: *Provided*, That for such work on tributaries the States or levee districts shall provide rights of way without cost to the United States, contribute 33½ per cent of the cost of the works, and maintain them after completion: *And provided further*, That not more than \$10,000,000 of the sums authorized in section 1 of this act shall be expended under the provisions of this section."

Page 7, after the amendment proposed to be inserted at the end of section 6, add a new paragraph, as follows:

"In an emergency, funds appropriated under authority of section 1 of this act may be expended for the maintenance of any levee when it is demonstrated to the satisfaction of the Secretary of War that the levee can not be adequately maintained by the State or levee district."

## SECTION 8

Page 8, line 15, after the word "officer," insert the words "of the United States Army or other branch of the Government."

## SECTION 9

Page 9, line 16, strike out the word "section" and insert in lieu thereof the words "sections 13, 14, 16, and."

Page 9, line 17, after the word "to," insert the words "all lands, waters, easements, and other property and rights acquired or constructed under the provisions of."

## SECTION 10

Page 9, line 21, after the figures "1927," insert the word "and."

Page 10, line 9, after the word "tributaries," change the colon to a semicolon and insert the following: "and the reports thereon, in addition to the surveys provided by said House Document 308, Sixty-ninth Congress, first session, shall include the effect on the subject of further flood control of the lower Mississippi River to be attained through the control of the flood waters in the drainage basins of the tributaries by the establishment of a reservoir system; the benefits that will accrue to navigation and agriculture from the prevention of erosion and siltage entering the stream; a determination of the capacity of the soils of the district to receive and hold waters from such reservoirs; the prospective income from the disposal of reservoir waters; the extent to which reservoir waters may be made available for public and private uses; and inquiry as to the return flow of waters placed in the soils from reservoirs; and as to their stabilizing effect on stream flow as a means of preventing erosion, siltage, and improving navigation."

Page 10, line 15, after the word "authorized," insert the words "in section 1 of this act."

## SECTION 11

Page 11, line 22, after the word "act" strike out the words "the commission is authorized to build same," and insert in lieu thereof the words "and by the President, the same shall be built."

## SECTION 12

Strike out all of section 12 on pages 11, 12, 13, and 14.

## SECTION 13

Page 14, line 3, strike out the figure "13" and insert in lieu thereof the figure "12."

## SECTION 14

Page 14, line 5, strike out the figure "14" and insert in lieu thereof the figure "13."

Mr. REID of Illinois. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON, Speaker pro tempore, having assumed the chair, Mr. LEHRBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, and for other purposes, and had come to no resolution thereon.

## PENSIONS

Mr. ELLIOTT. Mr. Speaker, I submit, for printing, conference report on the bill (S. 2900) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The conference report and statement are as follows:

## CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2900) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 7, 15, 16, with the following change: On page 11, strike out the lines 18 to 21, inclusive. On amendments numbered 18, 21, 24, 36, 41, 44 the House agreed with the following change: On page 23, line 10, after the name "Weaver," insert the word "former." On amendments numbered 53, 58, 64, 65, 67, 68, 71, 74, 80, 81, 82, 93 the House agreed with the following change: Strike out "\$30" and insert "\$20." On amendments numbered 94, 99, 106, 117, 126 the House receded.

That the Senate recede from its disagreement to the House amendments numbered 1, 2, 2½, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 17, 19, 20, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37, 38, 39, 40, 42, 43, 44½, 45, 46, 47, 48, 49, 50, 50½, 51, 52, 54, 55, 56, 57, 59, 60, 61, 62, 63, 66, 69, 70, 72, 73, 75, 76, 77, 78, 79, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 95, 96, 97, 98, 100, 101, 102, 103, 104, 105, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 118, 119, 120, 121, 122, 123, 124, 125, 127, 128 with the following changes: On page 156 of the engrossed bill, line 20, strike out "\$30" and insert "\$20." On page 180 of the engrossed bill, strike out the following language: "The name of Allie Crabb, widow of Mark M. Crabb, late of Company H, Seventy-eighth Regiment Volunteer Infantry, and pay her a pension at the rate of \$30 per month"; and the House agreed to the same.

W. T. FITZGERALD,

RICHARD N. ELLIOTT,

MELL G. UNDERWOOD,

*Managers on the part of the House.*

PETER NORBECK,

LYNN J. FRAZIER,

*Managers on the part of the Senate.*

## STATEMENT

The managers on the part of the House on Senate bill 2900 state by the way of explanation that 1,028 House bills were included in said bill. The committee on conference carefully examined into the merits of each individual case over which any difference of opinion existed, and mutually agreed to restore all bills of a meritorious character. The Senate bill contained the names of 343 beneficiaries and the House disagreed with the Senate on 58 items and made 87 corrections as amendments. Of the 58 items disagreed to the Senate asked that 33 of them be restored and the House conferees agreed to restore 32, in one of which the rate was reduced from \$30 to \$20 a month. The Senate agreed on the other 113 House amendments. Of the 1,028 House bills the Senate took exception to only 25 of them, and agreed to the retention of 24 of the exceptions. In one case the rate was reduced from \$30 to \$20 a month, the House receding in one case only. Therefore, the House lost but one bill of the total number included as an amendment to the Senate bill.

W. T. FITZGERALD,

RICHARD N. ELLIOTT,

MELL G. UNDERWOOD,

*Managers on the part of the House.*

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—  
To Mr. BOHN (at the request of Mr. MAPES), indefinitely, on account of illness.

To Mr. DOUGLAS of Arizona (at the request of Mr. LANHAM), for to-day, on account of illness.

To Mr. WURZBACH, for three weeks, on account of important business.

## THE JOHN SEALY HOSPITAL

Mr. BRIGGS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD and include an explanatory



statement with reference to a bill introduced by me, H. R. 13217, such explanatory statement having been prepared by counsel for the foundation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BRIGGS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

*To the Honorable Senators and Members of the House of Representatives of the United States:*

In connection with our petition for relief of the estate of John Sealy from the payment of Federal estate taxes, we present the following:

**HISTORY OF THE JOHN SEALY HOSPITAL, A DEPARTMENT OF THE MEDICAL BRANCH OF THE UNIVERSITY OF TEXAS**

Galveston, December 24, 1926.

At an election held for that purpose on the first Tuesday of September, 1881, the voters of the State located the main university at Austin and the medical branch or department at Galveston.

On May 12, 1887, Mrs. Rebecca Sealy, executrix and wife of Mr. John Sealy, who died August 29, 1884, and Mr. George Sealy, a brother, and executor, addressed a letter to the city council of Galveston, from which we quote:

"Gentlemen: The executors of the late Mr. Sealy, in order to carry into effect his legacy toward an establishment of usefulness or charity in Galveston, to be of the most service, have concluded to tender to your honorable body the sum of \$50,000, to be used in the erection of a building for a medical hospital, on grounds to be furnished by the city. \* \* \*

"The only condition placed upon the donation is that so long as the hospital remains under the administration of the city it should be rendered more useful to the indigent sick of the city, under the regulations deemed best by you for that object. Should the medical department of the Texas State University be practically established at Galveston, as the State constitution requires, and should you deem it proper to transfer the same to the university for its benefit, you have the consent of the executors to such action as your wisdom shall dictate."

The city, by an ordinance approved September 6, 1887, accepted the donation.

By an act approved May 17, 1888 (acts of 1888, p. 20), the Legislature of Texas appropriated \$50,000 for use in the construction of buildings for the medical branch of the University at Galveston, from which act we quote:

"Provided, That the said city of Galveston shall donate to the University of Texas block No. 668 in said city to be used for the medical branch of said institution; and

Provided further, That the executors of the estate of John Sealy, deceased, shall agree to construct on said block, at a cost of not less than \$50,000, a medical hospital, which, when completed, is to be donated to the medical branch of the University of Texas, and to be under the control of the board of regents of said university."

By a deed dated July 30, 1889, recorded in Book 72, p. 268, the city conveyed to the State of Texas block 668 for the benefit of the University of Texas, and to be used for and in connection with the medical branch.

Block 668 has been used only for hospital purposes, the State having acquired other land upon which the medical department buildings were constructed.

From 1888 to 1891 the estate of Mr. Sealy expended in the construction of the hospital \$69,126.36. The Mr. John Sealy hereinafter mentioned is the son of Mr. John Sealy, whose estate constructed the original hospital. Mr. John Sealy and his sister, Mrs. R. Waverley Smith, expended the following amounts in repairs of the hospital:

1898.....	\$10,499.47
1899.....	11,886.56
1900.....	5,584.74
1901.....	3,836.27

In 1915 Mr. Sealy and his sister constructed the women's hospital at a cost of \$125,000. They executed a deed of gift to the board of regents of the University of Texas, dated May 31, 1915, recorded in book 285, page 413, of the women's hospital, located on property owned by the State. On December 4, 1911, the county of Galveston executed a lease to the board of regents of the University of Texas demising to the regents for 99 years all of the land acquired by the county for sea-wall purposes north and northwestward of the line of Avenue B, for a rental of \$10 per annum, such land to be used solely for hospital purposes in connection with the John Sealy Hospital. By a deed dated December 23, 1911, recorded in book 253, page 517, Mr. John Sealy conveyed to the State of Texas for hospital purposes in connection with the John Sealy Hospital all of lots 1, 12, 14, and 13 in block 667, excepting so much thereof as had been conveyed to the county for sea-wall purposes. That property was acquired by Mr. Sealy at a cost of \$3,600.

In 1916 Mr. Sealy expended in remodeling and refurnishing the main hospital \$270,000. Since May, 1913, the John Sealy Hospital and its accessories have been operated under a lease contract between the regents of the university and the city of Galveston dated May 9, 1913, recorded in book 266, page 55, which expires May 9, 1938 (which succeeded the lease contract dated October 7, 1889), under the terms of which the university furnishes the medical staff of the hospital and the city is required to make yearly adequate appropriations for the care of the indigent sick of the city in the hospital and for the maintenance, support, and operation of the hospital. Under such contract the hospital is managed by a board of five persons, two appointed by the regents, two by the city, and the fifth chosen by the four. The appropriation made by the city each year, when added to receipts of pay patients, was insufficient to pay the operating expenses of the hospital and the deficiency each year was paid by Mr. Sealy. The amounts expended by him for such purpose from 1914 to 1925 aggregated \$206,000.

The Sealy & Smith Foundation for the John Sealy Hospital was chartered under the laws of Texas as a charitable corporation March 10, 1922 (see Appendix A). Prior to his death, which occurred on February 19, 1926, Mr. Sealy, including the cost of lots 1, 2, 3, 4, 11, 12, and 13 in block 608, and lot 1 in block 607, which he conveyed to the Sealy & Smith Foundation, donated to the foundation in property and securities \$271,463.11. Mrs. R. Waverley Smith purchased lots 2, 3, 4, 5, 6, 14, and the west one-half of lot 12, in block 607, at a cost of \$22,066.50, and conveyed the same to the foundation. The total of the contributions made by the Sealy and Smith family prior to Mr. Sealy's death is \$999,063.01.

The Rebecca Sealy Nurses' Home was constructed by the board of regents on the hospital grounds in 1914-15, at a cost of \$92,250, and furnished by the city at a cost of \$4,000.

By an act approved February 28, 1915 (acts of 1915, p. 32), the State accepted the gift by the Public Health Association of the Walter Colquitt Memorial Children's Hospital, also known as the Children's Ward of the John Sealy Hospital, on the premises of the University of Texas, Galveston, the same to the State hospital for crippled and deformed children and to be under the control and management of the board of regents of the university, and said board was authorized to lease the same to the city in the same manner as the John Sealy Hospital buildings. It was further provided that the legislature should make suitable provision in the general appropriation bill, or otherwise, to pay for the proper care of children afflicted with surgical tuberculosis. Such children's hospital was constructed by the Public Health Association at the expense of \$15,000.

In 1910 the board of regents constructed the isolation hospital for the treatment of contagious diseases at a cost of \$18,000. The colored hospital was constructed in 1901, with \$18,500 donated by the New York Chamber of Commerce, supplemented by \$3,000 from the funds of the general relief committee of 1900.

The will of John Sealy (Appendix B), after making specific bequests to relatives and friends, aggregating \$220,000, leaves one-half of his residuary estate immediately to the Sealy & Smith Foundation for the John Sealy Hospital and provides that the foundation shall expend so much of the income from such half of the estate as its board of directors shall deem appropriate or necessary for the support, maintenance, operation, and repair of or additions to the John Sealy Hospital, or for the construction of additional buildings to be operated in connection therewith. See Appendix B, tenth clause of will. The will (11th par.), in connection with the codicil (4th par.), bequeaths the other half of the residuary estate to trustees, who are to pay over the income therefrom to four persons named in the will, after the death of which four persons such one-half of the residuary estate goes to the foundation for the same purposes as described in paragraph 10 of the will.

The codicil (3d par.) provides that all inheritance and estate taxes shall be paid out of the half of the residuary estate which is immediately bequeathed to the foundation for the benefit of the hospital, so that any inheritance legacy or estate taxes that may be paid will to that extent diminish that part of the estate which under the will goes immediately to the foundation. Mr. Sealy's estate was appraised by the appraisers appointed by the probate court of Galveston County at \$10,055,565.43. The New York tax authorities, where transfer tax was paid, increased the valuation of the oil stock of the estate above the value placed thereon by the Galveston appraisers \$1,893,624.49, which amount, added to the Galveston appraisement of the estate, would make a valuation of \$11,954,189.92.

The Legislature of Texas, by an act approved October 1, 1926 (see Appendix C), released the Sealy & Smith Foundation and the other legatees, and the estate of Mr. Sealy from the payment of legacy or inheritance taxes estimated at \$700,000, upon a condition that \$700,000 of the assets of the foundation shall be subject to joint control of the board of regents and of the foundation.

Assuming that in addition to the specific bequests the half of the residuary estate, the income from which is to be paid to the individuals or to an individual until the death of four persons named in the will,

is subject to the Federal estate tax, the amount of such tax has been estimated at \$600,000, upon which there will be a credit of \$139,850.48, the amount of the transfer tax paid the State of New York. However, there is some question about the constitutionality of such transfer tax, which may be tested in the courts.

In addition to the ordinary functions of a hospital, the John Sealy Hospital is used for clinical instruction by the medical department of the university, without which a medical school can not be successfully conducted. The hospital also maintains a school for training nurses.

The hospital conducts an out-patient department for the treatment of those who do not require accommodation in the hospital, where indigents are treated without charge. The poor are treated in the hospital without charge. A charge is made only against those well able to pay who require special accommodations. Generally speaking, while the hospital is owned by the State, it is conducted as any other charity hospital.

It was stated by the president of the university that this bequest of Mr. Sealy would make the medical college and the hospital one of the largest medical centers in the United States. Any money expended on the hospital and any additions made thereto from the income of Mr. Sealy's estate left to the foundation will become the property of the State, as the hospital, as above stated, is owned by the State.

It was the earnest wish of Mr. Sealy that the bulk of his estate might go to the hospital without depletion by the payment of taxes of this nature.

Respectfully submitted.

J. W. TERRY.  
BALLINGER MILLS.  
JOHN L. DARROUZET.

#### APPENDIX A

##### CHARTER OF THE SEALY & SMITH FOUNDATION FOR THE JOHN SEALY HOSPITAL

STATE OF TEXAS,

County of Galveston:

Know all men by these presents:

That we, Jennie Sealy Smith, John Sealy, and R. Waverley Smith, all citizens of Galveston, Galveston County, Tex., under and by virtue of the laws of this State, do hereby voluntarily associate ourselves together for the purpose of forming a private corporation under the terms and conditions hereinafter set out, as follows:

1. The name of this corporation is the Sealy & Smith Foundation for the John Sealy Hospital.

2. The purpose for which it is formed is the support of a charitable undertaking in the city and county of Galveston, State of Texas, for the construction, remodeling, enlarging, equipping, and furnishing of the John Sealy Hospital and other hospital building or buildings in the city of Galveston, Tex., in connection with the John Sealy Hospital in said city and the endowment thereof, for the use of the people of said city of Galveston and providing them with the necessary medical care and attention therein.

3. The place where the business of the corporation is to be transacted is at Galveston, Galveston County, Tex.

4. The term for which it is to exist is 50 years.

5. The board of directors shall be seven, and the names and post-office addresses of those selected for the first year are as follows:

Mrs. Jennie Sealy Smith, Galveston, Galveston County, Tex.; John Sealy, Galveston, Galveston County, Tex.; R. Waverley Smith, Galveston, Galveston County, Tex.; Charles S. Peek, Galveston, Galveston County, Tex.; Dr. Edward Randall, Galveston, Galveston County, Tex.; Fred W. Catterall, Galveston, Galveston County, Tex.; E. O. Cone, Galveston, Galveston County, Tex.

6. This corporation, being organized as a charitable undertaking, has no capital stock, and the estimated value of the goods, chattels, lands, rights, and credits owned by the corporation is undetermined, as it is formed for the purpose of receiving contributions in the future to the charities mentioned, and as yet has no property.

In testimony whereof we hereunto sign our names this 1st day of March, A. D. 1922.

JENNIE SEALY SMITH.  
JOHN SEALY.  
R. WAVERLEY SMITH.

STATE OF TEXAS,

County of Galveston, ss:

Before me, the undersigned authority, this day personally appeared Jennie Sealy Smith, John Sealy, and R. Waverley Smith, known to me to be the persons whose names are subscribed to the foregoing instrument, and each of them acknowledged to me that she and he, respectively, had executed the same for the purposes and consideration therein expressed.

In testimony whereof I hereby subscribe my name and affix the seal of my office this the 8th day of March, A. D. 1922.

[SEAL.]

C. O. NEWBROUGH,

Notary Public in and for Galveston County, Tex.

Filed in the office of the secretary of state this 10th day of March, A. D. 1922.

S. L. STAPLES,  
Secretary of State.

THE STATE OF TEXAS,  
DEPARTMENT OF STATE.

I, S. L. Staples, secretary of state of the State of Texas, do hereby certify that the foregoing is a true and correct copy of charter of the Sealy & Smith Foundation for the John Sealy Hospital, with the indorsement thereon, as now appears of record in this department.

In testimony whereof I have hereunto signed by name officially and caused to be impressed hereon the seal of State at my office in the city of Austin the 11th day of March, A. D. 1922.

[SEAL.]

S. L. STAPLES,  
Secretary of State.

##### BY-LAWS OF THE SEALY & SMITH FOUNDATION FOR THE JOHN SEALY HOSPITAL

#### ARTICLE I

##### Purposes and authority of the foundation

This foundation is authorized by its charter to receive any money or property, real or personal, turned over to it by gift, devise, or descent; to hold, manage, and control; to invest and reinvest or exchange the same; to receive title to real estate and make conveyances thereof in its corporate name; and to use and expend such property, or the income thereof, in such manner as may be directed by the donor, or if received by it without specific direction from the donor, then within the discretion of its board of directors and as may be by them determined, both as to the time and manner, for the construction of new buildings or for remodeling, enlarging, equipping, and furnishing existing buildings of the John Sealy Hospital and other hospital building or buildings in the city of Galveston, Tex., in connection with the John Sealy Hospital in said city, and for the endowment or support thereof, in such amounts as may be determined by its board of directors, for the use of the people of said city of Galveston and for providing them with the necessary medical care and attention in said hospital buildings.

#### APPENDIX B

##### WILL

The STATE OF TEXAS,

County of Galveston:

I, John Sealy, of the city and county of Galveston, State of Texas, being of sound and disposing mind and memory, do make, publish, and declare this my last will and testament, hereby revoking and annulling any and all other wills by me at any time heretofore made.

First, I nominate, constitute, and appoint Jennie Sealy Smith, R. Waverley Smith, and Charles S. Peek, all of the city and county of Galveston, Tex., independent executrix and executors, respectively, of this my will and of my estate, and I hereby expressly direct and provide that no bond or other security shall be required of them, or either of them, as such executrix or executors, and that no action shall be had or taken in the probate court, or any other court, with reference to the settlement of my estate, except to probate and record this will and to file an inventory, appraisal, and list of claims of my estate.

I direct that the said Charles S. Peek, in his capacity as my said executor, shall receive the sum of \$10,000 per annum during the time he acts as my said executor, beginning with the date of my death and continuing until my estate is finally distributed and closed under the provisions of this will.

Wherever the words "executor" or "executors" are hereinafter used, they shall be construed to mean my said executrix or executor, or my said executrix and my said executors, as the case may be.

In the event of the death, resignation, refusal, failure, or inability of any or either of them to act as such executor, then the survivor or survivors, or he or they who act as such executor or executors, shall have full power and authority as such executor or executors the same as if all of them had qualified and acted; it being my intention that if one or more of said persons named as my executors shall die, resign, refuse, fail, or for any reason be unable to act as such, then the other or others of said persons shall have and exercise all the powers as such executors that could have been exercised by all of them had they all qualified and acted as such executors.

My said executors shall have full title, right, power, and authority to make any transfer, sale, and conveyance of all or any part of the estate and property left by me, from time to time, and at any time, as in their judgment shall seem best, and generally until final distribution of my estate, to have and exercise unlimited and general control and charge of my estate and effects in the same manner that I could do if living.

Second, It is my express will, desire, and intention that my executors shall have full power and authority to carry out all the provisions of this will and to administer, distribute, and finally close my estate without the exercise of any jurisdiction over it or them by the probate



court, or any other court, and without the intervention or action of any kind whatsoever of any court in any matter relating to my estate or of the settlement thereof.

Third. I give, devise, and bequeath to my sister, Jennie Sealy Smith, all of my interest in our home, being lots Nos. 12, 13, and 14, in block No. 262, in the city and county of Galveston, State of Texas, and all improvements thereon, and all of the contents of the said home.

Fourth. I give, devise, and bequeath to my aunt, Mary D. Maitland, widow of Thomas J. Maitland, the sum of \$10,000. In the event of the death of my said aunt, Mary D. Maitland, before my own death, then I give, devise, and bequeath said sum of \$10,000, that would otherwise have gone to said Mary D. Maitland, to my cousin, Mary S. Babcock, the daughter of my said aunt. In event of the death of both my said aunt and my said cousin before my own death, then if my said cousin leaves surviving her a child or children of her own, then I give, devise, and bequeath to such child or children, if more than one, share and share alike, as shall be living at the time of my death, said sum of \$10,000 that would otherwise have gone to either my said aunt or my said cousin. But if both my said aunt and my said cousin die before my own death and if there be not living at the time of my death any surviving child of my said cousin, then said sum of \$10,000 that would otherwise have gone either to my said aunt or my said cousin, or to such child or children of my said cousin, shall revert to, fall into, and become a part of my residuary estate and as such shall be disposed of in accordance with the provisions of this will.

Fifth. I give, devise, and bequeath to my cousin, Etta R. Jackson, wife of Thomas W. Jackson, of Hollidaysburg, Pa., the sum of \$10,000. In the event of her death before my own death the said sum of \$10,000 shall revert to, fall into, and become a part of my residuary estate and as such shall be disposed of in accordance with the provisions of this will.

Sixth. I give, devise, and bequeath the sum of \$10,000 to each of my following-named cousins, to wit: To Margaret Sealy Burton, of Galveston, Tex., \$10,000; to Ella Sealy Newell, of Greenwich, Conn., \$10,000; to Caroline Sealy Livermore, of San Francisco, Calif., \$10,000; to Rebecca Sealy Mallory, of Greenwich, Conn., \$10,000; to George S. Ewalt, of Galveston, Tex., \$10,000. I give, devise, and bequeath to my cousin, George Sealy, of Galveston, Tex., \$50,000; making in all to my said six cousins \$100,000. In event of the death of any of said legatees named in this paragraph before my own death, then the legacy or legacies that would otherwise have gone to such deceased legatee or legatees, under the provisions of this paragraph, shall revert to, fall into, and become a part of my residuary estate, and as such shall be disposed of in accordance with the provisions of this will.

Seventh. I give, devise, and bequeath the sum of \$10,000 (being in all \$50,000) to each of my following-named friends, all of Galveston County, Tex., to wit: To H. O. Stein, \$10,000; to J. J. Davis, \$10,000; to E. D. Cavin, \$10,000; to Ballinger Mills, \$10,000; and to M. H. Royston, \$10,000.

I give, devise, and bequeath to John Sealy Peek, of Galveston, Tex., \$5,000; I give, devise, and bequeath to John Sealy Livermore, of San Francisco, Calif., \$5,000.

In event of the death of any of the legatees named in this clause seventh before my own death, then the legacy or legacies that would have otherwise gone to such deceased legatee or legatees, under the provisions of this paragraph, shall revert to, fall into, and become a part of my residuary estate, and as such shall be disposed of in accordance with the provisions of this will.

Eighth. I give, devise, and bequeath to my executors, as trustees, the sum of \$50,000, in trust, for the following purpose, to wit: My said executors shall pay over and distribute said sum to and among my friends, all the employees of the firm of Hutchings, Sealy & Co., or of whatever firm, if any, shall at the time of my death be the successor in business of Hutchings, Sealy & Co., as shall be in the service of said Hutchings, Sealy & Co., or such successor firm, at the date of my death, constituting the entire office force of said Hutchings, Sealy & Co., or such successor firm at said date, such payment to and distribution among them to be made pro rata in proportion to the amount of compensation at said date received by them respectively as such employees.

Ninth. I direct that all of the legacies and bequests provided for in clauses third, fourth, fifth, sixth, seventh, and eighth of this will shall be paid to the legatees therein named in full, without any deduction for any Federal estate tax, or State inheritance tax on said legacies, or any of them, and any and all estate inheritance or legacy taxes which may be payable by reason of said legacies, or any of them, shall be paid out of my residuary estate. My executors may pay over and deliver the said legacies and bequests either in money or in securities which in their judgment are of the value of the legacies and bequests to which said legatees are severally entitled under the terms of said clauses.

Tenth. After the payment of all the legacies and bequests provided for by the preceding paragraphs of this will, I give, devise, and bequeath one-half of all the rest, residue, and remainder of my estate, property, and effects of whatsoever character, kind, nature, or description, real, personal, or mixed, in possession or in action, and wheresoever situated, which may be owned or possessed by me, or to which I

may be entitled, to the Sealy & Smith Foundation for the John Sealy Hospital, a charitable corporation duly incorporated under the laws of the State of Texas, in trust, for the purpose that said corporation shall take charge and possession of the bequest made by this paragraph and shall invest and reinvest the same and collect and gather in the interest, income, and revenue thereon accruing or therefrom arising, and shall use, discharge, and expend such interest, income, or revenue, or so much thereof as said corporation through its board of directors shall deem appropriate or necessary for the support, maintenance, operation, and repair of or additions to the John Sealy Hospital located in the city of Galveston, Tex., or for the construction of additional buildings to be operated in connection therewith.

Eleventh. After the payment of all of the legacies and bequests provided for by clauses third, fourth, fifth, sixth, seventh, and eighth of this will, I give, devise, and bequeath one-half of all the rest, residue and remainder of my estate, property, and effects, of whatsoever character, kind, nature, or description, real, personal, or mixed, in possession or in action, and wheresoever situated, which may be owned or possessed by me, or to which I may be entitled, to Jennie Sealy Smith, R. Waverley Smith, and Charles S. Peek, as trustees, upon the following trusts, terms, and conditions, to wit:

(a) The said trustee shall take charge and possession of the bequest made by this paragraph, and shall during the terms of this trust, as hereinafter limited, invest and reinvest the same and collect and gather in the interest, income, and revenue thereon accruing, or therefrom arising, and shall have full power to make any sales or conveyances of said property, or of any reinvestments thereof.

(b) The said trustees shall pay over or deliver at such periods as they may deem best, not longer than annually, one-half of the net interest, income, and revenue arising from the property bequeathed to them in trust by clause eleventh of this will to my sister, Jennie Sealy Smith, during her life time. At the death of my said sister, Jennie Sealy Smith, the trust created as to her by this paragraph of this clause eleventh of this will shall cease and determine, and the said trustees shall thereupon pay over, convey, and deliver one-half in value of the entire property bequeathed to them in trust by this clause eleventh of this will to the Sealy & Smith Foundation for the John Sealy Hospital in trust for all the uses and purposes and under all the terms and conditions specified and set out in clause tenth of this will. In the event the said Jennie Sealy Smith shall predecease me I direct that the said one-half of the trust property bequeathed to said trustees by clause eleventh of this will shall be turned over and delivered to said the Sealy & Smith Foundation for the John Sealy Hospital at the same time, in the same manner, and subject to the same trusts and provisions as the legacy or bequest made by clause tenth of this will.

(c) The said trustees shall pay over or deliver at such periods as they may deem best, not longer than annually, one-sixth of the net interest, income, and revenue arising from the property bequeathed to them in trust by this clause eleventh of this will to my brother-in-law, R. Waverley Smith, during his lifetime. At the death of my said brother-in-law, R. Waverley Smith, the trust created as to him by this paragraph of this clause eleventh of this will shall cease and determine, and the said trustees shall thereupon pay over, convey, and deliver one-sixth in value of the entire property bequeathed to them in trust by this clause eleventh of this will to the Sealy & Smith Foundation for the John Sealy Hospital in trust for all the uses and purposes and under all the terms and conditions specified and set out in clause tenth of this will. In the event the said R. Waverley Smith shall predecease me I direct that the said one-sixth of the trust property bequeathed to said trustees by clause eleventh of this will shall be turned over and delivered to said the Sealy & Smith Foundation for the John Sealy Hospital at the same time, in the same manner, and subject to the same trusts and provisions as the legacy or bequest made by clause tenth of this will.

(d) The said trustees shall pay over or deliver at such periods as they may deem best, not longer than annually, one-sixth of the net interest, income, and revenue arising from the property bequeathed to them in trust by this clause eleventh of this will to my cousin, Anna D. Terry, during her lifetime. At the death of my said cousin, Anna D. Terry, the trust as to her created by this paragraph of this clause eleventh of this will shall cease and determine, and the said trustees shall thereupon pay over, convey, and deliver one-sixth in value of the entire property bequeathed to them in trust by this clause eleventh of this will to the Sealy & Smith Foundation for the John Sealy Hospital in trust for all the uses and purposes and under all the terms and conditions specified and set out in clause tenth of this will. In the event the said Anna D. Terry shall predecease me I direct that the said one-sixth of the trust property bequeathed to said trustees by clause eleventh of this will shall be turned over and delivered to said the Sealy & Smith Foundation for the John Sealy Hospital at the same time, in the same manner, and subject to the same trusts and provisions as the legacy or bequest made by clause tenth of this will.

(e) The said trustees shall pay over or deliver at such periods as they may deem best, not longer than annually, one-sixth of the net interest, income, and revenue arising from the property bequeathed to them in trust by this clause eleventh of this will to my cousin, Rebecca

Sealy Terry, during her lifetime. At the death of my said cousin, Rebecca Sealy Terry, the trust created by this paragraph of this clause eleventh of this will shall cease and determine as to her, and the said trustees shall thereupon pay over, convey, and deliver one-sixth in value of the entire property bequeathed to them in trust by this clause eleventh of this will to the Sealy & Smith Foundation for the John Sealy Hospital in trust for all the uses and purposes and under all the terms and conditions specified and set out in clause tenth of this will. In the event the said Rebecca Sealy Terry shall predecease me I direct that the said one-sixth of the trust property bequeathed to said trustees by clause eleventh of this will shall be turned over and delivered to said the Sealy & Smith Foundation for the John Sealy Hospital at the same time, in the same manner, and subject to the same trusts and provisions as the legacy or bequest made by clause tenth of this will.

(f) Whenever any portion of the property devised to the said trustees by this clause eleventh of this will is to be turned over, conveyed, or delivered to said the Sealy & Smith Foundation for the John Sealy Hospital under the terms hereof, the trustees above named shall have full power to designate and determine what portion or portions of the trust property shall constitute the share then to be turned over, conveyed, or delivered to said the Sealy & Smith Foundation for the John Sealy Hospital, and what portion shall remain in the trust hereby created until its final termination, and to execute instruments of partition thereof.

(g) Upon the death of the last survivor of Jennie Sealy Smith, R. Waverley Smith, Anna D. Terry, and Rebecca Sealy Terry, the trust created by this clause eleventh of this will shall wholly cease and determine and all of the then existing trust property which shall not have theretofore been delivered to the said the Sealy & Smith Foundation for the John Sealy Hospital shall be then turned over and delivered to it to be held and used by it for the purposes hereinabove set out.

(h) No bond or other security shall be required of said trustees, or any of them, in connection with the said trust property, or its administration.

(i) All powers herein given to the said trustees shall vest in and may be exercised by the survivor or survivors thereof.

(j) In the event of the death of any of the three trustees hereinabove named in this clause of this will, prior to the final termination of this trust, or in the event of the death of any two of said trustees, the surviving trustees or trustee, as the case may be, shall have the right to join another trustee or trustees, either individual or corporate, with said survivor or survivors so as to keep the total number of trustees acting at three, by a written instrument of appointment acknowledged in accordance with the laws of Texas so as to entitle it to registration, and upon the execution of any such instrument of appointment by the surviving trustee or trustees, as the case may be, and its registration in the deed records of Galveston County, Tex., the trustee or trustees thereby appointed shall succeed to all of the powers of the then deceased trustee or trustees, and any and all acts in furtherance of the purposes of this trust done by such successor trustee or trustees so appointed shall be as effective and binding as if done by the trustees herein expressly named, whose place or places they take. Such power of appointment shall exist whenever by death, resignation, or otherwise, there are not three trustees administering the trust.

(k) After my estate is fully administered by my executors and the trust provided for by this clause eleventh of this will is established, the compensation provided for Charles S. Peek for acting as executor in clause first of this will shall cease, but he shall thereafter, until the final termination of said trust, receive out of the income from the said trust property, as his compensation for acting as such trustee, compensation at the rate of \$10,000 per year as long as the whole of the property devised by this clause eleventh of this will shall remain in the hands of said trustees under the provisions hereof, such compensation to be diminished proportionately as and when the trust shall end as to any portion of the trust property by the delivery of same to the Sealy & Smith Foundation for the John Sealy Hospital under the terms of this clause.

Twelfth. All the legacies and bequests provided for in this will shall be paid out of my estate by my executors as soon after my death as may be convenient and suitable to the affairs of my estate, as to which time my said executors shall judge, and for the purpose of providing for the payment of said legacies and bequests as well as for any and all other purposes provided for by this will, my said executors are expressly authorized and empowered to transfer, sell, and convey any and every part of my estate necessary therefor as in their judgment may seem best.

Thirteenth. It is my desire and intention and I hereby expressly direct and provide that all the provisions and stipulations of the contract or articles of partnership of the firm of Hutchings, Sealy & Co., or any successor in business of said firm that may be in existence at the date of my death, relating to the continuance of said partnership and its business after the death of any one of the partners thereof, or relating to any other matters whatsoever, shall be in all respects carried out, observed, and performed by my said executors and said surviving partners, and I expressly authorize and empower my said executors to make all necessary arrangements and agreements and

do and perform all necessary acts and things according to their own judgment and discretion, providing for the continuance and carrying on of the business of such partnership, or successor partnership, after the death of any of the partners thereof and with respect to the interest and rights of my estate therein, and the continuance and continued carrying on of the business thereof, in accordance with the terms and provisions of such articles of partnership or partnership contract.

Fourteenth. The unlimited and general control, charge, management, and disposition of my estate and property is confided to the wisdom, judgment, and discretion of my executors, or such of them as shall survive and act under the terms of this will, with full trust and confidence in their good faith and in their acting for the best interest of my estate and legatees and devisees, and my said executors shall have full time and discretion as to the time and manner of winding up my estate and making distribution thereof and with respect to investments and reinvestments during the administration thereof, and no demand shall be made or enforced against them for distribution or partition until the proper and judicious period shall, in accordance with their good judgment, have elapsed.

Fifteenth. My executors are hereby given full power and authority to make final partition and distribution of my estate to the parties respectively entitled thereto without the action, judgment, or decree of any court whatsoever, and in the meantime to invest, reinvest, and change investments of my estate and any and every part thereof.

In testimony whereof I hereunto subscribe my name at Galveston, Tex., this 24th day of March, 1922, in the presence of C. W. Branch and C. J. Ogilvy, who subscribe their names hereto as attesting witnesses in my presence and at my request, and in the presence of each other.

JNO. SEALY.

Here, now, on this the 24th day of March, 1922, the said John Sealy, the testator, subscribed his name to the foregoing instrument and published and declared the same to be his last will and testament, all in my presence, and we at the same time and at his request and in his presence, and in the presence of each other, hereto subscribe our names as attesting witnesses on this the said — day of March, 1922.

C. W. BRANCH  
C. J. OGILVY.

Filed April 23, 1926.

GEO. F. BURGESS,  
Clerk County Court, Galveston County, Tex.  
By J. R. PLATTE, Deputy.

CODICIL

The STATE OF TEXAS,  
County of Galveston:

I, John Sealy, of the city and county of Galveston, State of Texas, being of sound and disposing mind and memory, do make, publish, and declare this first codicil to my last will and testament, which bears date the 24th day of March, 1922.

1. I direct and provide that as long as my three executors named in clause first of said will shall act as such executors, any act done by any two of them, including the sale and conveyance of real estate, shall be valid and binding.

I direct and provide that whenever and as long as there are three trustees under clause eleventh of said will, the act of any two of them, including the sale or conveyance of real estate, shall be valid and binding.

2. I hereby cancel and annul so much of the ninth clause of said will as reads as follows:

"I direct that all of the legacies and bequests provided for in clauses third, fourth, fifth, sixth, seventh, and eighth of this will shall be paid to the legatees therein named in full, without any deduction for any Federal estate tax or State inheritance tax on said legacies, or any of them, and any and all estate inheritance or legacy taxes which may be payable by reason of said legacies, or any of them, shall be paid out of my residuary estate."

3. I hereby add to said will and make a part thereof the following clause, to be numbered sixteenth, to wit:

Sixteenth. I direct that the entire Federal estate tax on my estate and all State inheritance taxes on all bequests, legacies, and devisees, whether specific or residuary, made by my said will shall be paid by my executors out of and shall be charged against and deducted from the bequest, legacy, and devise made by clause tenth of said will, it being my intention that all of such taxes upon my entire estate and upon all of the legacies and bequests made by my said will shall be paid out of the bequest and devise of one-half of my residuary estate made by said clause to the Sealy and Smith Foundation for the John Sealy Hospital, and that the bequests made by the third, fourth, fifth, sixth, seventh, and eighth clauses of my said will and the bequest and devise of one-half of my residuary estate made by the eleventh clause of my said will shall be paid in full and not have charged against them, or any of them, any amount for any such taxes.



4. I hereby cancel and annul all and so much of the eleventh clause of my said will and those portions of said clause in which it is provided that on the death of the respective life tenants of the bequests and devises thereby made the share of each one of them, as he or she dies, shall be turned over and delivered to the Sealy and Smith Foundation for the John Sealy Hospital free from any control of the trustees therein named, and in lieu thereof I hereby direct and provide that the trustees provided for by the eleventh clause of my said will shall keep the entire bequest and devise made by said eleventh clause of said will together until the death of the last survivor of Jennie Sealy Smith, R. Waverley Smith, Anna D. Terry, and Rebecca Sealy Terry, and that upon the death or successive deaths of each of them the share in the income from said trust property which would have been paid to the one so deceased shall be divided among the survivors of them equally, share and share alike, until the final termination of the trust provided for by said eleventh clause of said will by the death of the last survivor of them, upon which event the entire corpus of the then trust property shall be turned over and delivered to the Sealy and Smith Foundation for the John Sealy Hospital in the same manner and subject to the same trusts and provisions as the legacy and bequest made by clause tenth of said will.

In testimony whereof I hereunto subscribe my name at Galveston, Tex., this 10th day of July 1924, in the presence of C. W. Branch and C. J. Ogilvy, who subscribe their names hereto as attesting witnesses to this first codicil to my will, in my presence and at my request and in the presence of each other.

JNO. SEALY.

Here, now, on this the 10th day of July, 1924, the said John Sealy, the testator, subscribed his name to the foregoing instrument and published and declared the same to be the first codicil to his last will and testament, all in our presence, and we at the same time and at his request, and in his presence and in the presence of each other hereto subscribe our names as attesting witnesses.

C. W. BRANCH.  
C. J. OGILVY.

Filed April 23, 1926.

GEO. F. BURGESS,  
Clerk County Court, Galveston County, Tex.  
By J. R. PLATTE, Deputy.

#### APPENDIX C

An act (S. B. No. 271) to relieve the Sealy and Smith Foundation for the John Sealy Hospital, the estate of John Sealy, deceased, formerly of Galveston, Tex., and the legatees in and under his will, from the payment of taxes provided in chapter 5, title 122, Revised Statutes of Texas, generally known as inheritance taxes, and to provide that the city of Galveston shall not thereby be relieved from any obligation under a certain lease of John Sealy Hospital, executed by the board of regents of the University of Texas with the said city, dated the 9th day of May, 1913, and declaring an emergency

Be it enacted by the Legislature of the State of Texas:

SECTION 1. That the Sealy and Smith Foundation for the John Sealy Hospital, a charitable corporation, incorporated under the laws of this State for the construction, remodeling, enlarging, equipping, and furnishing of the John Sealy Hospital, the property of the State used for clinical purposes of the medical department of the State university, and other hospital building or buildings in the city of Galveston in connection with the John Sealy Hospital and the endowment thereof, for the use of the people of said city of Galveston, by providing them with the necessary medical care and attention therein, the legatees under the will of the estate of John Sealy, deceased, and each of them, be, and are hereby, relieved and released from payment of taxes provided for in chapter 5, title 122, Revised Statutes of Texas, generally known as inheritance taxes, and the State comptroller and the tax collector of Galveston County are hereby ordered and directed not to collect or attempt to collect such tax or taxes, which taxes if not so hereby released would be payable out of the part of his estate devised and bequeathed by said Sealy to said foundation; and provided, however, that the city of Galveston shall not thereby be released from any obligation in or under a certain lease of said John Sealy Hospital executed by the board of regents of the University of Texas with said city, dated the 9th day of May, 1913.

SEC. 2. Section 1 hereof shall become void unless the Sealy and Smith Foundation for the John Sealy Hospital shall within six months after the passage of this act enter into an agreement with the board of regents of the University of Texas, a copy whereof certified as a correct copy by the president of the University of Texas shall be filed with the secretary of state, whereby the Sealy and Smith Foundation for the John Sealy Hospital shall agree with said board of regents to segregate and set apart property, or the proceeds thereof, or cash, or partly property and partly cash, to be agreed to by and between said foundation and the said regents of a value equal to \$700,000, the estimated amount of taxes released by section 1 hereof and by which said foundation shall agree to keep such property separate from its other assets or property and to use the income therefrom under the direction and with the approval of

said regents for said John Sealy Hospital, or any additions thereto or buildings to be used in connection therewith, or for any of the purposes specified in the will of said John Sealy. The sum hereby remitted shall perpetually be under the joint control of the board of regents of the University of Texas, and the Sealy and Smith Foundation to invest and reinvest the proceeds.

SEC. 3. The shortness of this special session and the importance of this act to the people of the State creates an emergency and an imperative public necessity exists which requires that the constitutional rule providing that bills shall be read on three several days be suspended, and said rule is hereby suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

(Signed) BARRY MILLER,  
President of the Senate.  
(Signed) LEE SATTERWHITE,  
Speaker of the House of Representatives.

Received in the executive office this 1st day of October, A. D. 1926, at 11 o'clock and 30 minutes a. m.

(Signed) LENA W. GUIN,  
Assistant Secretary to the Governor.

I hereby certify that senate bill 271 passed the senate finally by two-thirds vote of 24 yeas and no nays on September 27, 1926, and that the senate concurred in house amendment on October 1, 1926, by a vote of 23 yeas and no nays.

(Signed) W. V. HOWETTON,  
Secretary of the Senate.

I hereby certify that senate bill 271 passed the house of representatives with amendment on September 30, 1926, by the following vote: Yeas 75 and nays 28.

(Signed) C. L. PHINNEY,  
Chief Clerk of the House of Representatives.

(In script by the governor.)  
Approved October 1, 1926.

MIRIAM A. FERGUSON,  
Governor of Texas.

#### EXTENSION OF REMARKS

Mr. HASTINGS. Mr. Speaker, does the permission given a few days ago to revise and extend remarks on this bill apply to the remarks made to-day? If not, I want to get permission to revise and extend the remarks I made to-day.

The SPEAKER pro tempore. The Chair understands there was general leave to revise and extend given to all who speak on this bill, and that would include the gentleman.

Mr. LOWREY. Mr. Speaker, does that include those who do not get the floor to speak on the bill?

The SPEAKER pro tempore. The Chair understands the leave was general for five legislative days.

#### ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title, when the Speaker signed the same: H. R. 11020. An act validating certain applications for and entries of public lands.

The SPEAKER also announced his signature to enrolled bills of the Senate of the following titles:

S. 205. An act to authorize the Secretary of the Treasury to pay the claim of Mary Clerkin;  
S. 463. An act for the relief of David J. Williams;  
S. 484. An act for the relief of Joe W. Williams;  
S. 802. An act for the relief of Frank Hanley;  
S. 1377. An act for the relief of Lieut. Robert Stanley Robertson, jr., United States Navy;  
S. 1428. An act for the relief of R. Bluestein;  
S. 1848. An act for the relief of Frank Dixon;  
S. 2008. An act for the relief of the parents of Wyman Henry Beckstead;  
S. 2442. An act for the relief of Lieut. Henry C. Weber, Medical Corps, United States Navy;  
S. 2926. An act for the relief of the Old Dominion Land Co.;  
S. 3366. An act to authorize a per capita payment to the Shoshone and Arapahoe Indians of Wyoming from funds held in trust for them by the United States;  
S. 3506. An act for the relief of the owners of the British steamship *Larchgrove*; and  
S. 3507. An act for the relief of the Eagle Transport Co. (Ltd.) and the West of England Steamship Owners' Protection & Indemnity Association (Ltd.).

#### BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval bills of the House of the following titles:

H. R. 8835. An act to amend section 98 of the Judicial Code, as amended, to provide for terms of court at Bryson City, N. C.;

H. R. 10437. An act granting double pension in all cases to widows and dependents when an officer or enlisted man of the Navy dies from an injury in line of duty as the result of a submarine accident;

H. R. 11404. An act authorizing the Port Huron, Sarnia, Point Edward International Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.; and

H. R. 12441. An act to amend section 2 of an act entitled "An act in reference to writs of error," approved January 31, 1928, Public, No. 10, Seventieth Congress.

#### ADJOURNMENT

Mr. REID of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 26 minutes p. m.) the House adjourned until to-morrow, Tuesday, April 24, 1928, at 12 o'clock noon.

#### COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, April 24, 1928, as reported to the floor leader by clerks of the several committees:

##### COMMITTEE ON THE LIBRARY

(10.30 a. m.)

To create the Mount Rushmore national memorial commission and defining its purpose and powers (H. R. 12521).

##### COMMITTEE ON WAYS AND MEANS

(11 a. m.)

To remit estate tax on the estate of John Sealy (H. R. 13217).

##### COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON PARKS AND PLAYGROUNDS

(7.30 p. m.)

To provide for the acquisition of certain land in the District of Columbia and the establishment and operation of a municipal airport thereon (H. R. 7220).

To provide for the acquisition, improvement, equipment, management, operation, maintenance, and disposition of a civil air field and any appurtenances, inclusive of repairs, lighting, and communication systems, and all structures of any kind deemed necessary and useful in connection therewith (H. R. 8300 and 8299).

##### MILITARY AFFAIRS COMMITTEE

(10.30 a. m.)

A meeting to consider bill before the committee concerning promotion and retirement.

##### NAVAL AFFAIRS COMMITTEE

(10.30 a. m.)

A meeting before a subcommittee on the Naval Affairs Committee to consider the private bills on the calendar.

##### COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS

(10.30 a. m.)

To provide for the transfer to the Department of the Interior of the public-works functions of the Federal Government (H. R. 8127).

##### COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

A bill to provide for a five-year construction and maintenance program for the United States Bureau of Fisheries (H. R. 13151).

##### COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act," approved June 3, 1924 (H. R. 10710).

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

459. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Post Office Department for the fiscal year 1928, \$50,000, and for the fiscal year 1929, \$1,750,000; in all, \$1,800,000 (H.

Doc. No. 238); to the Committee on Appropriations and ordered to be printed.

460. A letter from the Secretary of the Navy, transmitting proposed draft of a bill to authorize an increase in the limit of cost of alterations and repairs to certain naval vessels; to the Committee on Naval Affairs.

461. A letter from the Secretary of the Navy, transmitting draft of a proposed bill to authorize an increase in the limit of cost of one fleet submarine; to the Committee on Naval Affairs.

462. A communication from the President of the United States, transmitting supplemental estimate of appropriations for the Department of Labor, Bureau of Labor Statistics, and the United States Employment Service for the fiscal year ending June 30, 1929, amounting to \$120,000 (H. Doc. No. 239); to the Committee on Appropriations and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. HAWLEY: Committee on Ways and Means. H. J. Res. 247. A joint resolution to authorize the Secretary of the Treasury to cooperate with the other relief creditor governments in making it possible for Austria to float a loan in order to obtain funds for the furtherance of its reconstruction program, and to conclude an agreement for the settlement of the indebtedness of Austria to the United States; without amendment (Rept. No. 1364). Referred to the Committee of the Whole House on the state of the Union.

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the United States Civil Service Commission (Rept. No. 1365). Ordered to be printed.

Mr. WHITE of Maine: Committee on the Merchant Marine and Fisheries. S. 3437. An act to provide for the conservation of fish, and for other purposes; with amendment (Rept. No. 1366). Referred to the Committee of the Whole House on the state of the Union.

Mr. VESTAL: Committee on Patents. H. R. 13109. A bill to protect trade-marks used in commerce, to authorize the registration of such trade-marks, and for other purposes; without amendment (Rept. No. 1368). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAWLEY: Committee on Ways and Means. H. R. 12733. A bill to authorize the refund of certain taxes on distilled spirits; without amendment (Rept. No. 1369). Referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. IRWIN: Committee on Claims. H. R. 7552. A bill for the relief of Bertina Sand; with amendment (Rept. No. 1367). Referred to the Committee of the Whole House.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. EDWARDS: A bill (H. R. 13267) authorizing the South Carolina and the Georgia State Highway Departments to construct, maintain, and operate a toll bridge across the Savannah River at or near Burtons Ferry near Sylvania, Ga.; to the Committee on Interstate and Foreign Commerce.

By Mr. PEERY: A bill (H. R. 13268) to establish a fish-hatching and fish-cultural station in the State of Virginia; to the Committee on the Merchant Marine and Fisheries.

By Mr. ASWELL: A bill (H. R. 13269) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce; to the Committee on Agriculture.

By Mr. McLEOD: A bill (H. R. 13270) authorizing the appointment as warrant officers certain noncommissioned officers of the United States Army; to the Committee on Military Affairs.

By Mr. MORIN: A bill (H. R. 13271) to authorize the removal of the Aqueduct Bridge crossing the Potomac River from Georgetown, D. C., to Rosslyn, Va.; to the Committee on Military Affairs.

By Mr. HAWLEY: A bill (H. R. 13272) authorizing the adjustment of the boundaries of the Siuslaw National Forest, in the State of Oregon, and for other purposes; to the Committee on the Public Lands.

By Mr. McDUFFIE: A bill (H. R. 13273) to relinquish the title of the United States to land in the claim of Seth Dean,



situate in the county of Washington, State of Alabama; to the Committee on the Public Lands.

Also, a bill (H. R. 13274) authorizing the Chamber of Commerce of Jackson, Ala., its successors and assigns, to construct, maintain, and operate a bridge across the Tombigbee River at or near Jackson, Ala.; to the Committee on Interstate and Foreign Commerce.

By Mr. TATGENHORST: A bill (H. R. 13275) to regulate the practice before any board, commission, commissioner, officer, employee, or bureau of the United States by members admitted to the bar of the Supreme Court who are in good standing; to the Committee on the Judiciary.

By Mr. DRIVER: A bill (H. R. 13276) to amend section 3 of an act approved June 15, 1926, granting consent of Congress for the construction of a bridge across White River at or near Augusta, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. McSWAIN: A bill (H. R. 13277) to provide for a study of the need for a new uniform for the enlisted men of the Army; to the Committee on Military Affairs.

By Mr. BERGER: Joint resolution (H. J. Res. 281) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. SWEET: Joint resolution (H. J. Res. 282) directing the Tariff Commission to conduct investigations under the flexible provision of the tariff act of 1922 concerning various agricultural products and providing funds therefor; to the Committee on Ways and Means.

By Mr. TAYLOR of Colorado: Joint resolution (H. J. Res. 283) to change the name of the Gatun Locks, Dam, Spillway, and Lake; and the Pedro Miguel Locks, Dam, Spillway, and Lake; and also the Miraflores Locks, Dam, Spillway, and Lake, in the Panama Canal, and for other purposes; to the Committee on Interstate and Foreign Commerce.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and several referred as follows:

By Mr. ANDRESEN: A bill (H. R. 13278) for the relief of Martin Anderson; to the Committee on Claims.

By Mr. BLAND: A bill (H. R. 13279) granting a pension to Miranda Ford; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 13280) granting an increase of pension to Dulcinea Jones; to the Committee on Invalid Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 13281) granting a pension to Kate Forrester; to the Committee on Pensions.

By Mr. HOGG: A bill (H. R. 13282) granting a pension to Mary M. Vore; to the Committee on Invalid Pensions.

By Mr. HOUSTON of Delaware: A bill (H. R. 13283) granting an increase of pension to Mary E. Hazzard; to the Committee on Invalid Pensions.

By Mr. KINCHELOE: A bill (H. R. 13284) granting an increase of pension to Martha Huff; to the Committee on Invalid Pensions.

By Mr. LAGUARDIA: A bill (H. R. 13285) for the relief of E. Stewart Ferrand; to the Committee on Claims.

By Mr. RAMSEYER: A bill (H. R. 13286) granting an increase of pension to Margaret Maneor; to the Committee on Invalid Pensions.

By Mr. ROMJUE: A bill (H. R. 13287) granting an increase of pension to Catherine Hays; to the Committee on Invalid Pensions.

By Mr. SCHNEIDER: A bill (H. R. 13288) to authorize a cash award to William T. Flood for beneficial suggestions resulting in improvement in naval material; to the Committee on Naval Affairs.

By Mr. TILLMAN: A bill (H. R. 13289) granting an increase of pension to Emily E. Morley; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 13290) granting a pension to Deliah D. Kirkpatrick; to the Committee on Invalid Pensions.

By Mr. PALMISANO: Joint resolution (H. J. Res. 284) to authorize an appropriation to pay claims of parents of deceased and injured children killed and injured by an Army airplane landing in Patterson Park, Baltimore, Md., on or about August 14, 1919, and for other purposes; to the Committee on Military Affairs.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7114. Petition of city council, city of Philadelphia, Pa., requesting favorable consideration to the amendment cited to the

proposed revenue bill (H. R. 1); to the Committee on Ways and Means.

7115. By Mr. BOHN: Petition of citizens of Munising, Mich., who believe in maintenance of the national-origins plan of determining immigration quotas; to the Committee on Immigration and Naturalization.

7116. By Mr. BURTON: Resolution of the Palmer-Roberts Post of the American Legion, composed of ex-service men from Willoughby, Mentor, Wickliffe, and Irtland, Ohio, favoring the Capper-Johnson universal draft bill; to the Committee on Military Affairs.

7117. Also, resolution of Sub. Court Broadway, No. 1252, Independent Order of Foresters, Cleveland, Ohio, at a meeting of April 3, 1928, indorsing the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7118. Also, resolution of Court Zaboy, No. 14, Foresters of America, Cleveland, Ohio, at a meeting held April 6, 1928, indorsing the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7119. Also, resolution of Local No. 550, American Federation of Musicians, Cleveland, Ohio, at a meeting held April 8, 1928, indorsing the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7120. Also, resolution of Court Fremont, Independent Order of Foresters, Cleveland, Ohio, at a meeting held April 5, 1928, indorsing the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7121. Also, resolution of Past Commanders' Association, Knights of Malta, Cleveland, Ohio, at a meeting held March 29, 1928, indorsing the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7122. Also, resolution of Court Lakewood, No. 4898, Independent Order of Foresters, Cleveland, Ohio, at a meeting held in April, 1928, indorsing the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7123. Also, resolution of Hiawatha Council, No. 123, Daughters of America, Cleveland, Ohio, at a meeting held April 11, 1928, indorsing the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7124. Also, resolution of Lake Shore Lodge, No. 6, Cleveland, Ohio, indorsing the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7125. Also, resolution of Cleveland Commandery, No. 547, Knights of Malta, Cleveland, Ohio, at a meeting held April 3, 1928, indorsing the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7126. Also, resolution of Criterion Tent No. 224, Maccabees, Cleveland, Ohio, at a meeting held April 3, 1928, indorsing the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7127. By Mr. BOYLAN: Resolution adopted by board of visitors, State Camp for Veterans, relative to the proposed transfer of the State Camp for Veterans to the United States Government; to the Committee on World War Veterans' Legislation.

7128. Also, petition of Merchants' Association of New York, favoring the Lehlbach bill (H. R. 10644); to the Committee on the Civil Service.

7129. Also, petition of Muscle Shoals committee of the Illinois Farmers' Institute, protesting against the Government control of Muscle Shoals; to the Committee on Military Affairs.

7130. By Mr. CARLEY: Petition of The Grasselli Chemical Co. of New York, protesting against the Wyant bill (H. R. 8127) to transfer control of rivers and harbors to the Interior Department; to the Committee on Rivers and Harbors.

7131. By Mr. CULLEN: Resolution by Metal Trades Council, of Brooklyn, N. Y., indorsing House bill 12032; to the Committee on Naval Affairs.

7132. By Mr. FREEMAN: Petition of J. Rechel, and others, of Willimantic, Conn., protesting against compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

7133. Also, petition of Harry L. Brodley and others, of Stafford, Conn., advocating the passage of the National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

7134. Also, petition of Clarence H. Barlow and others, urging the support of House bill 9035, to establish a uniform rule of naturalization; to the Committee on Immigration and Naturalization.

7135. Also, petition of Lillian Amidon and others, of Eagleville, Conn., urging the support of House bill 9035, to establish a uniform rule of naturalization; to the Committee on Immigration and Naturalization.

7136. By Mr. GARBER: Petition of W. H. Hudson, room 106, customhouse, New York City, in support of the Bacharach bill (H. R. 10644); to the Committee on Ways and Means.

7137. Also, petition of Charles W. Briles, director vocational education, Oklahoma City, Okla., in support of House bill 12241, vocational education bill; to the Committee on Education.

7138. Also, petition of American Association of Engineers, Oklahoma City, Okla., by the secretary, R. F. Danner, in support of House bill 6518; to the Committee on the Civil Service.

7139. By Mr. GREEN: Petition of 13 citizens of Fernandina, Fla., advocating passage of bill for relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7140. By Mr. HALE: Petition from 54 citizens of Atkinson, N. H., urging the passage of legislation providing for increase of pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7141. By Mr. HUDSPETH: Petition of Council of Catholic Women, of El Paso, against enactment of Curtis-Reed bill; to the Committee on Education.

7142. By Mr. KERR: Petition from Charlotte chapters, Reserve Officers' Association of the United States, and the American Legion Auxiliary, Hornet Nest Unit, both of Charlotte, N. C., indorsing the Capper-Johnson bill; to the Committee on Military Affairs.

7143. By Mr. KVALE: Petition of several residents of Minneapolis, Minn., urging passage of House bill 11998, dog exemption bill; to the Committee on the Judiciary.

7144. Also, petition of Clifford Anderson, Montevideo, Minn., urging passage of House bill 11998, dog exemption bill; to the Committee on the Judiciary.

7145. By Mr. LINDSAY: Petition of Polish Army Veterans' Association of America, Chicago, Ill., urging passage of House bill 8273, referring to an amendment of the act to admit to the United States and to extend naturalization privileges to alien veterans of the World War; to the Committee on Immigration and Naturalization.

7146. Also, petition of Surfmen's Mutual Benefit Association, Elizabeth City, N. C., urging support of House bill 12032, providing for readjustment of pay of warrant officers in the Navy and Coast Guard; to the Committee on Naval Affairs.

7147. Also, petition of the Grasselli Chemical Co., New York City, protesting against the passage of House bill 8127, which seeks to transfer from the War Department to the Department of the Interior the control of harbors and rivers and the jurisdiction over navigable waters; to the Committee on Military Affairs.

7148. By Mr. O'CONNELL: Petition of the Mailers Union No. 6, International Typographical Union, New York City, favoring the passage of the Griest postal bill; to the Committee on the Post Office and Post Roads.

7149. Also, petition of the Allied Printing Trades Council of Greater New York, favoring the passage of the Griest postal bill; to the Committee on the Post Office and Post Roads.

7150. Also, petition of L. P. Spach, chairman flood relief, American Legion, favoring the passage of the Jones flood relief bill; to the Committee on Flood Control.

7151. Also, petition of the Bindery Women's Union, Local No. 43, International Brotherhood of Bookbinders, of New York and vicinity, favoring the passage of the Griest postal bill; to the Committee on the Post Office and Post Roads.

7152. Also, petition of the United States Customs Inspectors Association, port of New York, favoring the passage of the Lehlbach retirement bill (H. R. 25); to the Committee on the Civil Service.

7153. Also, petition of the Grasselli Chemical Co., New York City, protesting against the passage of the Wyant bill (H. R. 8127) for the transfer from the War Department to the Department of the Interior the control of rivers and harbors and the jurisdiction over navigable waters; to the Committee on Expenditures in the Executive Departments.

7154. Also, petition of the Surfmen's Mutual Benefit Association, Elizabeth City, N. C., favoring the passage of the Britten bill (H. R. 12032) to readjust the pay of warrant officers in the Navy and Coast Guard; to the Committee on Naval Affairs.

7155. By Mr. O'CONNOR of New York: Resolutions adopted at conference of trade-union officers of Greater New York, indorsing the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7156. Also, resolutions adopted at conference of trade-union officers of Greater New York, indorsing the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7157. By Mr. PEAVEY: Petition of the members of the Webster Commercial Club, of Webster, Wis., favoring the authorization of the construction of a bridge across the St. Croix River between the Counties of Burnett, Wis., and Pine, Minn.; to the Committee on Interstate and Foreign Commerce.

7158. By Mr. QUAYLE: Petition of Edwin Gould, of New York City, appealing for liberal treatment of budget of the Virgin Islands; to the Committee on Appropriations.

7159. Also, petition of the Grasselli Chemical Co., of New York City, protesting against the passage of the Wyant bill (H. R. 8127); to the Committee on Rivers and Harbors.

7160. Also, petition of Surfmen's Mutual Benefit Association, of Elizabeth, N. C., urging the passage of House bill 12032 to readjust the pay of warrant officers in the Navy and Coast Guard; to the Committee on Naval Affairs.

7161. Also, petition of the State Camp for Veterans, of the State of New York, protesting against the passage of House bill 12204, providing for the transfer of the State Camp for Veterans at Bath, N. Y., to the Veteran's Bureau; to the Committee on World War Veteran's Legislation.

7162. Also, petition of the National Fertilizer Association, Washington, D. C., with reference to Muscle Shoals bill; to the Committee on Military Affairs.

7163. Also, petition of the Western Fruit Jobbers Association of America, Chicago, Ill., with reference to Mexican immigration restrictions; to the Committee on Immigration and Naturalization.

7164. By Mr. RAMSEYER: Petition of Elm Grove Woman's Christian Temperance Union, Oskaloosa, Iowa, urging passage of the Sproul bill (H. R. 11410) to amend the national prohibition act; to the Committee on the Judiciary.

7165. Also, petition of citizens of Brooklyn, Iowa, urging that immediate steps be taken to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

7166. By Mr. SINCLAIR: Letters from V. M. Antonius and Arthur Kateley, Crosby, N. Dak., and from Judge John H. Lewis, Minot, N. Dak., protesting against the Oddie bill; to the Committee on the Post Office and Post Roads.

7167. By Mr. SWEET: Petition of J. C. Rasbach, of Canastota, N. Y., favoring the Sproul bill (H. R. 11410) to amend the national prohibition act; to the Committee on the Judiciary.

7168. By Mr. WINTER: Resolutions re House bill 9956, from V. E. Farmer, commander, Engstrom-Duncan Post, No. 22, the American Legion, Rawlins, Wyo., and C. L. Carter, president the Lions Club, Sheridan, Wyo.; to the Committee on Irrigation and Reclamation.

## SENATE

TUESDAY, April 24, 1928

(Legislative day of Friday, April 20, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

### MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 205. An act to authorize the Secretary of the Treasury to pay the claim of Mary Clerk;

S. 463. An act for the relief of David J. Williams;

S. 484. An act for the relief of Joe W. Williams;

S. 802. An act for the relief of Frank Hanley;

S. 1377. An act for the relief of Lieut. Robert Stanley Robertson, jr., United States Navy;

S. 1428. An act for the relief of R. Bluestein;

S. 1848. An act for the relief of Frank Dixon;

S. 2008. An act for the relief of the parents of Wyman Henry Beckstead;

S. 2442. An act for the relief of Lieut. Henry C. Weber, Medical Corps, United States Navy;

S. 2926. An act for the relief of the Old Dominion Land Co.;

S. 3366. An act to authorize a per capita payment to the Shoshone and Arapahoe Indians of Wyoming from funds held in trust for them by the United States;

S. 3506. An act for the relief of the owners of the British steamship *Larchgrove*;

S. 3507. An act for the relief of the Eagle Transport Co. (Ltd.) and the West of England Steamship Owners' Protection & Indemnity Association (Ltd.); and

H. R. 11020. An act validating certain applications for and entries of public lands.